IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

52 MISC.CIVIL APPLICATION NO. 43 OF 2025

MADHURI YOGEH GIRI (GOSAVI)
VERSUS
YOGESH SHIVAJI GIRI (GOSAVI)
...
Mr. P. K. Wagh h/for Mr. B. S. Choure, Advocate for Applicant
Mr. Pawankumar S. Agrawal, Advocate for Respondent
....

CORAM : S. G. CHAPALGAONKAR, J.
DATE : 14.07.2025

PER COURT :-

1. Heard learned Advocates appearing for respective parties.

2. Mr. Wagh, learned Advocate appearing for applicant submits that marriage between applicant and respondent was solemnized on 29.12.2015. The couple has been blessed with two daughters out of matrimonial relationship. However, due to ill-treatment meted by respondent-husband, applicant was forced to leave matrimonial home and now she is residing with her parents at village Takali (Ghulyachi), Tq. Kaij Dist. Beed.

3. It is further submitted that applicant has instituted proceedings bearing Cri. M. A. No.211 of 2024 under Section 144 of BNSS, 2023 against respondent-husband for grant of maintenance and same is pending before learned J.M.F.C at Kaij.

4. In this background, applicant seeks transfer of Petition-A No.153 of 2024 filed by respondent-husband before learned Family Court at Parbhani to learned Civil Judge Senior Division at Ambajogai Dist. Beed.

5. Per contra, Mr. Agrawal, learned Advocate appearing for respondent-husband vehemently opposes application. He submits that there is no difficulty for applicant-wife to attend proceedings pending before Family Court Parbhani and therefore urges to reject application.

6. Having considered submissions advanced and perusal of pleadings in application, it is evidence that applicant is residing with her parents at village Takali Tq. Kaij. She has two daughters in her custody and she is taking care of them. The distance between Kaij to Parbhani is almost 150 kilometers. Apparently, applicant-wife would have difficulty to travel such distance along with her daughters. Undisputedly applicant-wife has filed Cri. M.A. No.211 of 2024 at Kaij and same is pending for adjudication.

7. In this background, as per guidelines laid down by Hon'ble Supreme Court in case of ***N. C. V. Aishwarya Vs. A. S. Saravana Karthik Sha, reported in AIR 2022 SC 4318,*** convenience of wife has to be given precedence in the matter of transfer of matrimonial proceedings. It is not

the case of respondent-husband that he has any difficulty to attend proceeding at Ambajogai, if it is transferred from Parbhani.

8. In that view of the matter, case is made out to allow application and it is accordingly **allowed** in terms of prayer Clause ‘B’.

9. Parties to appear before learned Civil Judge Senior Division, Ambajogai on 25.08.2025.

10. On transfer of proceeding, parties to cooperate for early disposal of matter without seeking any adjournments and learned Civil Judge Senior Division, Ambajogai to endeavour for expeditious disposal of proceeding.

[S. G. CHAPALGAONKAR, J.]

HRJadhav