



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 58 OF 2023

Jyoti W/o Ganesh BukkanureApplicant

VERSUS

Ganesh S/o Arjun BukkanureRespondent

Ms. Sushma T. Jadhav, Advocate for the Applicant.

Mr. Hemant Surve, Advocate for the Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 6th NOVEMBER, 2025.

PER COURT :

1. Heard.
2. This Application is for transfer of matrimonial proceeding bearing HMP No. 528/2022 instituted by the husband in the Family Court, Solapur to the Court of Civil Judge, Senior Division, Ambajogai, Dist. Beed.
3. The wife has come to this Court stating that she is presently residing with her old aged parents. There is no one to accompany her if she has to go to Solapur to attend the Court. There is one son aged 14 years and a daughter aged 7 years. Two proceedings are already pending in the Court of Ambajogai i.e.

Criminal Misc. Application No. 267/2022 and Criminal Misc. Application No. 564/2023 filed under Section 125 of Code of Criminal Procedure and one under D.V. Act. The husband has already appeared in both these proceedings and as such he is coming to Ambajogai. On these grounds, it is submitted that it would be in the interest of the parties to transfer the proceeding at Ambajogai.

4. The Application is strongly opposed by learned Advocate for the Respondent. He submits that the wife is earning handsome income by running a cafe. She was holding license in her name prior to institution of the proceeding. Now she has transferred the said license in the name of her brother. The fact remains that she only runs the cafe. With the reply, the learned Advocate has also filed on record photocopies of bank statement etc. to show that wife is earning handsome amount. Learned Advocate further submits that it is only to harass the husband, the proceeding is sought to be transferred. In the domestic violence proceeding, she is not giving evidence and seeking time. If the proceeding is transferred, the wife would not vigilantly prosecute the proceeding. He thus submits that no case is made out to allow the Application. He has also relied upon the judgment of the Hon'ble Apex Court in **Transfer Petition**

(C)No. 191/2025 in the case of Anindita Das vs. Srijit Das. The Hon'ble Court in the said order has observed that there is a tendency in the women litigants to take disadvantage of leniency shown in their favour. However, it is held that each case needs to be decided on its own merits.

5. This Court has considered the submissions and the judgment referred above. This Court finds that a case is made out to transfer the proceeding. At the same time, care of anxiety of the Respondent-husband needs to be taken. Hence, the following order :-

ORDER

- (i) Application stands allowed in terms of prayer clause 'B'.
- (ii) After transfer of the proceeding, the learned Trial Judge is requested to dispose of the proceeding as early as possible and preferably within a period of 9 months from today.
- (iii) Suitable dates be given looking to the dates given in the other proceedings to avoid inconvenience to the husband.
- (iv) If it is found that the wife is asking for unnecessary adjournment, necessary orders be passed

to compensate the husband if he personally remains present in the Court.

(v) If a request is made by the husband to appear through video conferencing, such request be considered liberally by the Trial Court.

(KISHORE C. SANT)
Judge

dyb