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929-MCA-50-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 MISC. CIVIL APPLICATION NO. 50 OF 2025

Shital Swapnil Birajdar

VERSUS

Swapnil Dilip Birajdar

...

Ms. Pooja K. Apache h/f Mr. S. N. Patne, Advocate for Applicant.

Mr. H. B. Nandgavale, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 11th NOVEMBER 2025

PC :-

1. Heard the parties.
2. This application is filed by the applicant-wife seeking transfer of the matrimonial proceeding i.e. Hindu Marriage Petition A No. 60/2024 from the Court of learned Judge, Family Court, Latur to the Court of learned Civil Judge, Senior Division, Omerga Dist. Dharashiv.
3. It is the case of the applicant-wife that she has already filed a proceeding on 8th January 2024 under the provisions of Domestic Violence Act in the Court at Omerga. The respondent-husband,

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thereafter, on 26th February 2024 filed the present proceeding at Latur, seeking a decree of divorce. It is her case that she finds it difficult to travel to Latur, as the distance is around 100 k.m. from the place where she resides i.e. Kaldev Nimbala, Taluka Omerga Dist. Dharashiv. The present proceeding is, therefore, required to be transferred.

4. The learned Advocate Mr. Nandgavale submits that the reasons stated in the application are not correct. The distance between Kaldev Nimbala to Latur is only 58 k.m. The applicant, in her application, has also given the reasons of health. However, he submits that there is no any abnormality by inviting attention to the annexures of his affidavit-in-reply. His further contention is that the application is filed only to harass the husband. It is submitted that the Court at Latur has jurisdiction being a Family Court which is proper that petition is heard and tried in the Family Court at Latur. Learned Advocate further submits that in another proceeding, the wife is already receiving maintenance amount of Rs.20,000/- per month. She is thus having sufficient needs to transfer to Latur.

5. This Court has heard the learned Advocates for the parties. Looking to the settled position that in the matter of transfer of the proceeding, it is the convenience of the wife that needs to be seen, this Court is inclined to allow the application. Hence, the following order:

ORDER

- (i) Misc. Civil Application stands allowed.
- (ii) The proceedings of Hindu Marriage Petition A No. 60/2024 pending before the Court of learned Judge, Family Court, Latur stands transferred to the Court of learned Civil Judge, Senior Division, Omerga Dist. Dharashiv.
- (iii) After transfer of the proceeding, the applicant shall not seek unnecessary adjournments. In case the Trial Court finds that the adjournments are unnecessarily sought, the Trial Court may deal with such application, so as to compensate the respondent-husband, if he personally remains present.
- (iv) Whenever request is made by the respondent-husband seeking

permission to appear through video conferencing, the same shall be considered liberally by the trial Court.

(v) With this, Misc. Civil Application stands disposed off.

[KISHORE C. SANT, J.]