



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 55 OF 2025

VISHAKHA SUBODH MORE

....Applicant

VERSUS

SUBHODH ANAND MORE

.....Respondent

.....
Advocate for Applicant : Mr. ADV SONALLI S VEER

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 12th AUGUST, 2025.

P.C. :-

Heard learned advocate for the applicant. The applicant seeks to transfer H.M.P No. 198 of 2023 pending before the Civil Judge (Senior Division), Palghar to Civil Judge Senior Division at Nandurbar.

2. Learned advocate for the applicant submits that the applicant and respondent married on 23.1.2022. Due to ill-treatment meted to her, the applicant is residing at Nandurbar alongwith her parents. The applicant has instituted Criminal Misc. Application No. 109 of 2024 under the provisions of the Domestic Violence Act before the learned JMFC, at Nandurbar. The respondent husband has filed H.M.P No. 198 of 2023 before the Civil Judge Senior Division, Palghar, seeking a decree for restitution of conjugal rights under Section 9 of the Hindu Marriage Act and the same is pending.

3. Learned advocate for the applicant submits that distance between Nandurbar and Palghar is around 350 Kilometers. The applicant would face difficulties to attend the proceeding at Palghar. She would,

therefore, urge that the proceeding instituted by husband be transferred to the Court at Nandurbar.

4. Although notice of this application is served upon respondent, none appears for respondent. It is apparent that applicant is residing at Nandurbar and distance between Palghar and Nandurbar is 350 kilometers. It is also on record that applicant has instituted Criminal Misc. Application No. 109 of 2023 which is pending before the Judicial Magistrate First Class at Nandurbar. In this background, in the light of the law laid down by the Supreme Court of India in the matter of ***N.C.V Aishwarya Vs. A.S. Sarvana Karthia Sha***” reported in AIR 2022 SC 4318” the convenience of wife is required to be given precedence over convenience of the husband. There are multiple matrimonial proceedings. It is desirable that all such proceedings are at one and same place. In that view of the matter, a case is made out to allow the application.

5. In the result, the application is allowed in terms of prayer clause (B). Parties to appear before the Civil Judge (Senior Division), Nandurbar on 15th September, 2025. Application is accordingly disposed of.

[S.G. CHAPALGAONKAR, J]

grt/-