



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

53 MISC.CIVIL APPLICATION NO. 52 OF 2025

**RAJASHRI RUPESH SARAF
VERSUS
RUPESH SHASHIKANT SARAF**

...

Mr. Kushal G Kabra and Mr. Choure Balasaheb Saheb, Advocate for Applicant

....

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 14.07.2025

PER COURT :-

1. Heard Mr. Kabra, learned Advocate appearing for applicant.

2. Mr. Kabra submits that marriage between applicant and respondent took place in the year 2023. The couple resided together at Pune. However, later on, due to ill-treatment and harassment towards applicant-wife, she was required to leave matrimonial home. Presently, she is residing at Nandurbar along with her parents.

3. Mr. Kabra further submits that applicant has filed two proceedings against respondent-husband at Nandurbar. One is Misc. Application No.322 of 2024 under provisions of Domestic Violence Act and second is Mis. Application No.39 of 2025 for grant of maintenance under Section 144 of BNSS. Respondent-husband is attending both

proceedings. He would further submit that respondent-husband has instituted Hindu Marriage Petition A No.1578 of 2024 before learned Family Court at Pune seeking decree of dissolution of marriage. He points out that distance between Nandurbar to Pune is more than 400 kilometers. It would be inconvenient for applicant-wife to attend proceeding at Pune.

4. Although notice of this application was served upon, none appears.

5. Considering submissions advanced and pleadings in application, it appears that applicant is residing at Nandurbar. The distance between Nandurbar to Pune is about 400 kilometers. Applicant-wife has already instituted two proceedings before learned JMFC at Nandurbar under the provisions of Domestic Violence Act and under Section 144 of BNSS seeking maintenance. Respondent-husband is attending those proceedings.

6. In this background, it would be convenient for applicant-wife, if proceeding pending before Family Court, Pune vide Petition A No.1578 of 2024 is transferred to Nandurbar for disposal in accordance with law. 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. There is nothing on record that

respondent-husband would have any difficulty to attend HMP proceeding at Nandurbar, if it is transferred from Pune.

7. In result, case is made out to allow application. Hence, Misc. Civil Application is **allowed** in terms of prayer clause-B.

8. Parties to appear before learned Civil Judge Senior Division at Nandurbar on 25.08.2025.

[S. G. CHAPALGAONKAR, J.]

HRJadhav