



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

MISC.CIVIL APPLICATION NO. 58 OF 2025

**NUSRAT SIKANDAR INAMDAR
VERSUS
SIKANDAR YUSUF INAMDAR**

...

Mr. Sushant Choudhari, Advocate for Applicant

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 31.07.2025

PER COURT :-

1. Heard Mr. Choudhari, learned Advocate appearing for applicant.
2. Although notice of this application is served upon respondent, none appears.
3. By this application, applicant/wife seeks transfer of R.C.S. No.10 of 2025 filed by respondent-husband, pending before learned Civil Judge Junior Division, Ratnagiri to learned Civil Judge Junior Division, Omerga Dist. Dharashiv.
4. Mr. Choudhari, learned Advocate appearing for applicant submits that marriage between applicant and respondent is solemnized as per Muslim rites on 10.03.2022. After marriage, applicant started cohabiting with respondent. However, she was subjected to mental and

physical harassment and now she is residing along with her parents at Murum Tq. Omerga. Applicant has filed DV proceeding before learned Judicial Magistrate First Class, Omerga and same is pending for adjudication. Similarly, respondent-husband has filed R.C.S. No.10 of 2015 seeking decree of dissolution of marriage before learned Civil Judge Junior Division, Ratnagiri.

5. Mr. Choudhari submits that distance between Omerga to Ratnagiri is about 450 kilometers and it would be difficult for applicant to travel such distance to attend proceeding instituted by respondent-husband.

6. The contentions raised in this application are not controverted by respondent as he failed to appear despite service of notice.

7. It cannot be disputed that applicant is residing at Murum Tq. Omerga along with her parents. Further DV proceeding filed by her is also pending at Omerga.

8. In view of law 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. Since distance between Omerga to Ratnagiri is more than 450 kilometers, it is obvious that applicant would

face difficulty. On the other hand, there is nothing on record to show that respondent would have any difficulty to attend proceeding, if it is transferred to Omerga.

9. In that view of the matter, case is made out to allow application and same is allowed in terms of prayer clause 'B'.

10. Parties to appear before learned Civil Judge Junior Division, Omerga on 08.09.2025.

[S. G. CHAPALGAONKAR, J.]

HRJadhav