



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

MISC.CIVIL APPLICATION NO. 60 OF 2025

SHRADHA HARSHAL BHAVSAR

VERSUS

HARSHAL ARUN BHAVSAR

...

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 seeks transfer of Marriage Petition No.595 of 2024 pending before learned Civil Judge Senior Division, Pune to learned Civil Judge Senior Division, Omerga Dist. Dharashiv.
4. Mr. Choudhari, learned Advocate appearing for applicant submits that on 28.11.2022 marriage between applicant and respondent is solemnized. However, due to ill-treatment meted to applicant, she was required to leave matrimonial home and now she is residing along with her parents at Gunjoti Tq. Omerga Dist. Dharashiv. Applicant/wife has instituted DV proceeding under Section 12 of Protection of Women

from Domestic Violence Act, 2005 before learned Judicial Magistrate First Class, Omerga. Similarly, on her complaint, R.C.C. No.117 of 2024 is registered before learned JMFC Omerga against respondent/husband and his relatives. In this background, respondent has instituted Marriage Petition No.595 of 2024 before learned Civil Judge Senior Division at Pune.

5. Mr. Choudhari submits that distance between Pune to Omerga is about 350 kilometers. It would be difficult for applicant to attend proceeding at Pune. Respondent is already attending proceeding at Omerga. Therefore, he urges that Marriage Petition No.595 of 2024 be transferred to Omerga.

6. Having considered submissions advanced, it cannot be disputed that applicant is residing along with her parents at Gunjoti Tq. Omerga. She has already instituted two proceedings at Omerga i.e., PWDVA No.33 of 2024 and R.C.C. No.117 of 2024. Nothing is available on record to show that respondent would have difficulty to attend proceeding at Omerga, if it is transferred from Pune.

7. In this background, considering 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. Further, when two proceedings are already pending at Omerga, respondent-husband

can also attend third proceeding if it is transferred. It is obvious that applicant would face difficulty if she were required to travel distance of more than 350 kilometers to attend proceeding at Omerga.

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

9. Parties to appear before learned Civil Judge Senior Division, Omerga on 15.09.2025.

[S. G. CHAPALGAONKAR, J.]

HRJadhav