

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 61 OF 2025

Minakshi Nilesh Sonawane

VERSUS

Nilesh Baliram Sonwane

...

Advocate for Applicant : Mr. Harshal Prakash Randhir (through V.C.)

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JULY 09, 2025

PER COURT :-

1. The applicant seeks transfer of Marriage Petition No.1435 of 2024 pending before learned Civil Judge, Senior Division, Kalyan to learned Civil Judge, Senior Division at Jalgaon. In spite of service of notice of this application, none appears for respondent.

2. Mr. Randhir, learned advocate appearing for applicant submits that applicant is residing at Buddh Wada, Dharangaon, District Jalgaon along with two children aged about 7 and 5 years. The applicant has already filed PWDVA Application No.28 of 2024 under Domestic Violence Act, 2005 before learned Judicial Magistrate First Class, Dharangaon, District Jalgaon. Similarly, she has filed Hindu Marriage Petition No.197 of 2024 seeking restitution of conjugal rights before learned Civil Judge, Senior Division, Jalgaon. The respondent/husband filed Marriage Petition No.1435 of 2024 seeking decree of dissolution of marriage before learned Civil Judge, Senior Division, Kalyan. It is difficult for applicant to attend

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proceeding at Kalyan, since she has to take care of two tender age children. Further, distance between Jalgaon and Kalyan is approximately 360 kms. The respondent/husband is attending proceeding at Jalgaon. Therefore, he would have no difficulty to attend proceeding of divorce, if transferred to Civil Judge, Senior Division, Jalgaon.

3. Considering submissions advanced and fact that applicant is a lady residing with her parents at Dharangaon and she has to take care of two minor children, it is difficult for her to attend proceeding at Kalyan, which is more than 350 kms away from place of her residence. Similarly, two other proceedings are already pending in District Jalgaon. There is nothing on record to show that respondent/husband would have any difficulty to attend proceeding at Jalgaon, particularly when he is attending Court of Judicial Magistrate First Class at Dharangaon in maintenance proceeding instituted by applicant/wife. In this background, looking to the law laid down by Hon'ble Supreme Court in case of **N.C.V. Aishwarya vs A.S.Saravana Karthik Sha**¹, the convenience of wife has to be given precedence over convenience of husband. Hence, case is made out to allow the application.

4. In result, application is allowed in terms of prayer clause (B).

1 AIR 2022 SC 4318

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5. Parties to appear before learned Civil Judge, Senior Division at Jalgaon on 21.08.2025.

(S.G. CHAPALGAONKAR, J.)

Mujaheed//