



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

MISC.CIVIL APPLICATION NO. 72 OF 2024

**PRITI VISHWAS KUNDEN
VERSUS
VISHWAS PRAMOD KUNDEN**

...

Mr. Nandkumar Jiwade h/for Mr. Bedre Vinayak Sudhakar, Advocate for Applicant

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 14.07.2025

PER COURT :-

1. Heard Mr. Nandkumar Jiwale learned Advocate appearing for applicant. He submits that marriage between applicant and respondent took place in the year 2014. However, due to harassment and cruelty meted to her, applicant was required to leave her matrimonial home. At present, she is residing at Ahmednagar along with her parents and ten year old daughter.

2. Learned Advocate appearing for applicant further submits that applicant has no means of income. She has already initiated proceedings against respondent-husband vide Cri. Misc. Application No.712 of 2023 under provisions of DV Act and also filed Cri. Misc. Application No.81 of 2023 seeking maintenance. Both proceedings are pending at Ahmednagar. He would submit that respondent-husband has now filed proceeding vide Petition No.A-115 of 2023 seeking decree of dissolution of marriage before Family Court at Pune and same is

pending.

3. He further submits that it is difficult for applicant/wife to attend proceeding at Pune, since she has no source of income. So also, she is maintaining her school going daughter. The distance between Pune to Ahmednagar is about 130 kilometers. As such, he urges to transfer proceeding pending at Family Court, Pune to Family Court at Ahmednagar.

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

5. Having considered submissions advanced and averments in application, there cannot be dispute that applicant is residing at Ahmednagar along with her parents and minor daughter. Further, she has instituted two proceedings for maintenance which are pending before Courts at Ahmednagar.

6. 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. If two proceedings are already pending at Ahmednagar, it would be appropriate that proceeding pending before Family Court, Pune is transferred to Family Court at Ahmednagar. It would not cause any inconvenience to respondent-husband, since he is already attending two proceedings at Ahmednagar.

7. In that view of the matter, case is made out to allow present application. Hence, Misc. Civil Application is **allowed** in terms of prayer clause 'B'.

8. Parties to appear before learned Family Court at Ahmednagar on 25.08.2025.

[S. G. CHAPALGAONKAR, J.]

HRJadhav