



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

917 MISC.CIVIL APPLICATION NO. 116 OF 2025

PRIYA WO KISHOR KULKARNI
VERSUS
KISHOR DNYANESHWAR KULKARNI AND ANOTHER

Mr. Jay Veer h/f. Mr. Kalpesh Suryawanshi, Advocate for the applicant.
Mr. Paritosh Rajhans, Advocate for respondent No.1.
Ms. Sushama T. Jadhav, Advocate for respondent No.2 through VC.

CORAM : KISHORE C. SANT, J.
DATE : 20.11.2025

PC :-

01. Heard learned Advocate for the applicant and learned Advocates for the respondents.

02. This application is filed by the wife seeking transfer of matrimonial proceeding from the Court of learned Civil Judge, Senior Division, Ambajogai to the Court of learned Judge, Family Court, Jalgaon. The wife is presently residing at Jalgaon with her parents. There are two proceedings pending in the Courts at Jalgaon, filed by wife, one petition under section 9 of the Hindu Marriage Act for restitution of conjugal rights and another proceeding under the provisions of Protection of Women from Domestic Violence Act. It is submitted by the learned Advocate for the applicant that considering the distance of more than 350 kms. Between the two places, the wife finds it difficult to travel to Ambajogai. It is further submitted that when two proceedings are pending, where the husband has already appeared, it is in the interest of

justice to transfer the proceeding from Ambajogai to Jalgaon.

03. This application is vehemently opposed by the learned Advocate for respondent No.1. He submits that there are two issues out of the marriages. Both the daughters aged 10 years and 5 years are residing at Ambajogai with the husband. The proceeding filed by the husband is prior in point of time. It is only after the husband filed proceeding, the wife has filed two proceedings at Jalgaon as a counterblast. He thus prays for dismissal of the petition.

04. Learned Advocate for respondent No.2 also opposes the application.

05. Considering the fact that wife is presently residing at Jalgaon, and distance between the two places is more than 350 kms., this Court finds that it would be inconvenient for the wife to attend the proceeding at Ambajogai. Second ground is that one proceeding under section 9 is already pending in the Court at Jalgaon. It is always desirable to decide the proceeding under section 9 of the Hindu Marriage Act and divorce proceeding, by one and same Court to avoid conflicting decision. For this reason also this Court is inclined to allow this application. Hence, following order :-

ORDER

- (i) This Misc. Civil Application is allowed in terms of prayer clause (B).

- (ii) After transfer of the proceeding, the applicant-wife shall not seek unnecessary adjournments. If it is found that the adjournment is sought unnecessarily, the learned Trial Court shall pass appropriate orders imposing costs upon the applicant-wife, thereby compensating the husband, if he personally remains present in the Court.
- (iii) The learned Trial Court shall try to dispose of the proceeding as early as possible and preferably within one year from the date of this Court.
- (iv) If the respondent-husband makes a request for appearing through video conference, said request shall be considered by the Trial Court liberally.

[KISHORE C. SANT, J.]