

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 198 OF 2024

Megha W/o Sagar Chautmahal.

VERSUS

Sagar S/o Ashok Chautmahal

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Advocate for Applicant : Mr. P.M. Gaikwad

Advocate for Respondent : Ms. Shilpa D. Magare

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JULY 15, 2025

PER COURT :-

1. Heard learned advocates appearing for respective parties.
2. By this application, applicant seeks transfer of H.M.P. No.13 of 2024 pending before Civil Judge Senior Division, Paranda, District Osmanabad to Family Court at Parbhani.
3. Mr. Gaikwad, learned advocate appearing for applicant submits that applicant married with respondent on 21.03.2022. However, she was subjected to ill-treatment. Therefore, she was forced to leave matrimonial home and since then she is residing with her parents at Parbhani. Mr. Gaikwad would submit that three proceedings filed by applicant against husband are pending before learned Judicial Magistrate First Class, Parbhani. He points out that Crime No.64 of 2024 was registered for offences punishable under Section 498-A, 323, 504 r/w 34 of Indian Penal Code on complaint of applicant and respondent and his family members are accused. Apart

from that, she has filed Domestic Violence Application No.50 of 2024 before Judicial Magistrate First Class, Parbhani and Petition E-49 of 2024 before learned Family Court at Parbhani. In this background, respondent/husband has instituted H.M.P. No.13 of 2024 seeking dissolution of marriage before Civil Judge Senior Division at Paranda, District Osmanabad. Mr. Gaikwad would therefore urge that proceeding be transferred to Family Court at Parbhani.

4. Ms. Magare, learned advocate appearing for respondent vehemently opposed the application. She would submit that respondent is serving in private company and it would be difficult for him to attend proceeding at Family Court at Parbhani, if it is transferred. Therefore, she urges to reject the application.

5. Having considered submissions advanced, it can be gathered that applicant is residing at Parbhani along with her parents and she has instituted three proceedings at Parbhani against husband. In this background, respondent has filed H.M.P. No.13 of 2024 seeking dissolution of marriage before Civil Judge Senior Division at Paranda, District Osmanabad. The distance between Paranda and Parbhani is about 230 kms. In this background, it would be difficult for applicant to travel such a long distance without any support. On the other hand, if respondent is residing at Pune as contended by learned advocate appearing for respondent, he can travel to Parbhani to attend proceeding along with three other proceedings filed against

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him. It is trite that convenience of wife has to be given precedence over husband as observed by Hon'ble Supreme Court in case of **N.C.V Aishwarya vs A.S. Saravana Karthik Sha**¹. Even it would be convenient for parties to attend proceedings at one and same place, if those are taken together. In that view of matter, case is made out to allow application and hence, it is allowed in terms of prayer clause (B).

6. Parties to appear before Family Court at Parbhani on 26.08.2025.

7. Miscellaneous Civil Application stands disposed of in aforesaid terms.

(S.G. CHAPALGAONKAR, J.)

Mujaheed//