



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

MISC. CIVIL APPLICATION NO. 166 OF 2024

Seema W/o Sandeep Rathod

.. Applicant

Versus

Sandeep S/o Bandu Rathod

.. Respondent

Mr. Sanjay D. Hiwrekar, Advocate for the Applicant.

Mr. H. I. Pathan, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 03rd NOVEMBER, 2025.

PER COURT :-

1. Heard the parties at some length.
2. This application is at the behest of wife seeking transfer of matrimonial proceeding pending in the Court of learned C.J.S.D., Pune bearing Marriage Petition No. 578/2024 filed by the husband seeking divorce. The grounds urged by the learned advocate for the applicant are that, the wife has already filed proceedings under section 9 of the Hindu Marriage Act seeking restitution of conjugal rights in the Court at Beed bearing H.M.P No. 180/2023. Two other proceedings are pending, one for

maintenance bearing Criminal Misc. Application No. 70/2020 and one under Protection of Women from Domestic Violence Act bearing Criminal M. A. No. 501/2023 are pending in the Court at Georai, Dist. Beed. He further submits that, it is necessary to transfer the proceeding in the Court of learned C.J.S.D. Beed to avoid conflicting judgments. He further submits that, as it is, the husband is required to attend the proceedings at Georai and Beed and it would be convenient if the proceeding is transferred to Beed.

3. The application is vehemently opposed by the learned advocate Mr. Pathan for respondent. He submits that, the applicant – wife is working at Guhagar, District Ratnagiri. It is only to harass the husband she has filed this application. In fact, it is her convenience if the matter is kept at Pune. He has produced on record an information received under the Right to Information Act from Health Department, Zilla Parishad, Ratnagiri. By communication dated 03.10.2025 it is informed that, the applicant is very much working at Guhagar at Primary Health Centre, Talawali. He has also produced another communication dated 03.10.2025 wherein, attendance sheet is provided showing

that the applicant is remaining present at Primary Health Centre, Guhagar from July 2024 to October 2025. He thus submits that, the application itself is frivolous and deserves to be dismissed.

4. The learned advocate Mr. Hiwrekar for the applicant also produced on record communication dated 17.07.2025 showing that the applicant is transferred to Primary Health Centre, Shelgaon, District Dharashiv. The said transfer is on request. He thus submits that, when the applicant is presently residing at Dharashiv, it is necessary to transfer the proceeding at Beed.

5. During the course of argument, the learned advocate Mr. Hiwrekar for the applicant relied upon the judgments in the cases of (i) Anajali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani reported in AIR 2009 SC 1374 and (ii) Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap reported in AIR 2016 SC 3584.

6. This Court has considered the submissions. It is well settled by now that the proceeding be transferred looking at the convenience of the wife. In the present case, the fact of residence of place of the applicant itself is disputed. This Court need not go

into the said aspect as it is a question of fact and there are documents showing contrary position. This Court is considering the application on the ground that, already one H.M.P is pending in the Court at Beed for restitution of conjugal rights. The proceeding sought to be transferred is proceeding for divorce. Considering the nature of the proceeding, it is required that, both the proceedings are decided by the same Court to avoid conflicting judgments and orders. There is no dispute that the H.M.P is filed in earlier point of time. Two other proceedings are also pending at Georai where the husband is required to attend the proceeding.

7. Considering all above factors, this Court is inclined to allow the application. Hence, following order :

ORDER

(I) Misc. Civil Application stands allowed in terms of prayer clause (B).

(II) Needless to say that, after transfer of the proceeding, the proceeding be decided as early as possible and preferably within one year from today.

(III) The applicant – wife shall not seek any unnecessary adjournments. If any adjournment is sought unnecessarily, the Court may pass appropriate order compensating the respondent – husband if he personally remains present.

(IV) Whenever a request is made by the respondent -husband to appear through video conferencing, the same shall be considered liberally.

(V) With this, Misc. Civil Application stands disposed of.

(KISHORE C. SANT, J.)

P.S.B.