



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 192 OF 2025

Apurva Ankush DewalwarApplicant

VERSUS

Ankush Anil DewalwarRespondent

Mrs. S. R. Bagul, Advocate for Applicant.

CORAM : KISHORE C. SANT, J.
DATE : 6th NOVEMBER, 2025.

PER COURT :

1. None for the Respondent inspite of service of notice. The matter is therefore taken up in absence of the Respondent.

2. The wife has approached this Court by filing this Misc. Civil Application seeking transfer of proceeding bearing HMP No. 481/2024 presently pending in the Court of learned Civil Judge Senior Division, Chandrapur to the Family Court at Nanded. It is stated in the Application that the husband has filed proceeding for divorce. Wife has also filed proceeding under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights and therefore, it is necessary that both the proceedings be decided by the same Court. Applicant is in service at Pune. She is having a son aged 4 years who

resides with her at Pune. Parents of the Applicant are residing at Nanded. It is stated that though the Applicant is serving at Pune but being in IT sector, most of the time, she works from home. It is thus convenient for her to transfer the proceeding to the Court at Nanded.

3. As already recorded, the Respondent-husband has not appeared in the Court inspite of service of notice. From the proceeding filed under Hindu Marriage Act, it is seen that the husband is also presently residing at Vishakhapattanam (Andhra Pradesh). In any case, he is required to attend the Court at Chandrapur by travelling some distance. This Court finds that it is necessary to see that the proceeding under Section 9 of the Hindu Marriage Act and the proceeding which is sought to be transferred are tried by the same Court to avoid conflicting judgments and decree.

4. This Court finds that in any case both the parties are required to travel for the purpose of attending the Court proceedings. It would not cause any inconvenience to the husband if the proceeding is transferred to the Court at Nanded. Considering the

above, this Court finds that the Application needs to be allowed by putting certain conditions. Hence, the following order :-

ORDER

(i) Application stands allowed in terms of prayer clause 'B'.

(ii) After transfer of the proceeding, the Trial Court shall decide the same as early as possible and preferably within one year from today.

(iii) The wife shall not seek unnecessary adjournment. If the Court finds that she is unnecessarily seeking adjournment, the Court may pass appropriate order to compensate the husband if he personally remains present in the Court.

(iv) If a request is made by the husband seeking permission to appear through video conferencing, such permission may liberally be considered by the Trial Court.

(KISHORE C. SANT)
Judge