



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 202 OF 2025

Kanchan Anil Garkal

....Applicant

VERSUS

Anil Pralhad Garkal

.....Respondent

Mr. N. S. More, Advocate holding for Mr. V. B. Anjanwatikar, Advocate
for Applicant.

Mr. A. R. Rathod, Advocate for the Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 19th NOVEMBER, 2025.

PER COURT :

1. Heard learned Advocates for both the parties.
2. This Application is by the wife seeking transfer of matrimonial proceeding from the Court of Jt. Civil Judge Senior Division, Washim to the Court of Civil Judge Senior Division, Parbhani.
3. The Application is vehemently opposed by learned Advocate for the Respondent. He submits that in the present case the relationship of husband and wife is in dispute. There was only live-in relationship between the parties. It is clear from the pleadings

that when the Applicant alleged that the marriage took place, the husband was already in relation with some other lady and there was no question of performing any marriage. He further submits that the the place of residence of Applicant is not far away from Washim. There are sufficient means of transport between the two places. He, thus, opposes the Application.

4. Applicant has filed Petition under Section 9 of Hindu Marriage and Divorce Act bearing HMP No. 53/2025 in the Court at Parbhani. She has four years old child staying with her. This Court, therefore, finds that both the Petitions need to be heard and decided by one and the same Court. When a matrimonial proceeding needs to be transferred, it is always desirable that the convenience of the wife may be preferred. Considering the above, following order is passed :-

ORDER

- (i) Application is allowed in terms of prayer clause 'B'.
- (ii) After transfer of the proceeding, the learned Trial Judge shall not grant unnecessary adjournment to the wife.

(iii) If the Court finds that adjournments are unnecessarily sought by the wife, the Court may impose cost so as to compensate the husband if he remains personally present.

(iv) Whenever a request is made by the husband seeking permission to appear through video conferencing facility, the same shall be considered liberally.

(KISHORE C. SANT)
Judge

dyb