



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

926 MISC. CIVIL APPLICATION NO. 266 OF 2022

WITH

CIVIL APPLICATION NO. 6589 OF 2025

ROHINI SUSHIL MULE

VERSUS

YUVRAJ VILAS PATIL

Mr. Y.V. Gandhe h/f. Mr. P.D. Bachate, Advocate for the applicant.
Ms. R.R. Tandale, Advocate for the respondent.

CORAM : KISHORE C. SANT, J.

DATE : 08.10.2025

PC :-

01. Heard learned Advocates for the parties. This application is for transfer of proceeding filed by applicant herself from the Court of learned Adhoc District Judge, Sangli to the Court of learned District Judge, Gangakhed. The wife had filed proceeding under section 9 of the Hindu Minority and Guardianship Act, seeking custody of the child. The proceeding is filed in the year 2019 and this application is filed after more than three years in 2022. The learned Advocate for the applicant submits that the wife is residing at Sonpeth in Parbhani district. Her convenience needs to be seen. It is difficult for her to travel to Sangli every time. There is no direct bus to go to Sangli. The distance between the two places is about 400 kms.

02. Learned Advocate Ms. Tandale vehemently opposes the application. She submits that the proceeding is instituted by the applicant herself in the Court at Sangli as child is residing at Sangli. In

view of the Hindu Minority and Guardianship Act, it is the Court where the child resides has the jurisdiction. The jurisdiction is taking into consideration welfare of the child. She further points out that there is divorce between the parties. In the divorce petition filed by consent terms, in it is already accepted that the custody of the child would be with the respondent-father.

03. This Court need not go into the merits of the matter. It is sufficient that the applicant herself has lodged proceeding in the Court at Sangli i.e. the Court having jurisdiction. Since the child is residing within the jurisdiction of Court at Sangli, this Court finds that there is no propriety in transferring the proceeding to the Court at Gangakhed.

04. Considering all the above, following order :-

- (i) The Misc. Civil Application stands rejected with no order as to costs.
- (ii) If the applicant wife is desirous of appearing through video conference, her request would be considered liberally.
- (iii) The Trial Court may award appropriate costs on each date to the wife if she personally remains present in the Court.
- (iv) Needless to say that the earlier interim order stands vacated.
- (v) Fees of learned Adv.Ms. R.R. Tandale appointed for the

applicant is quantified at Rs. 5000/- (Rupees Five Thousand) to be paid by High Court Legal Services Sub-Committee, Aurangabad.

CIVIL APPLICATION FOR DIRECTION

01. This application is filed seeking direction to give access of child to the applicant and for custody during vacation. The application for transfer of proceeding is already disposed off. In view of the same, nothing survives in this application. The applicant is at liberty to make such prayer in the proceeding pending before the Court at Sangli. This Civil Application stands disposed off accordingly.

[KISHORE C. SANT, J.]