

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 185 OF 2024

Sow. Namrata Pratik Jaiswal

VERSUS

Pratik Yogesh Jaiswal

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Advocate for Applicant : Mr. A.R. Ingle h/f Mr. Kedar Balbhim R.

Advocate for Respondent : Mr. P B. Gamot

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JULY 25, 2025

PER COURT :-

1. The applicant seeks transfer of Marriage Petition No.A-174 of 2023 pending before learned Family Court at Yavatmal to learned Civil Judge Senior Division, Bhusawal, District Jalgaon.
2. Learned advocate appearing for applicant submits that applicant and respondent married on 30.01.2020. The couple is blessed with a daughter namely Bhuvika out of wedlock. Further, due to ill-treatment meted to the applicant, she was required to leave matrimonial home and now she is residing with parents along with her daughter. Learned advocate appearing for applicant further submits that applicant has filed PWDVA No.19 of 2024 under Protection of Women From Domestic Violence Act and proceeding under Section 125 of Criminal Procedure Code bearing Criminal M.A. No.60 of 2024. Both these petitions are pending before Judicial Magistrate First Class at Bhusawal. He would submit that since the applicant is taking care of minor daughter aged about four years and

distance between Bhusawal and Yavatmal is almost 350 kms, it would be difficult for her to travel and attend proceeding instituted by husband before Family Court at Yavatmal. He would therefore urge that Petition No.A-174 of 2023 filed by husband before Family Court at Yavatmal be transferred to Civil Judge Senior Division at Bhusawal.

3. Learned advocate appearing for respondent vehemently opposed the application contending that the applicant is a doctor and she would have no difficulty to travel to Yavatmal. According to him, present application is filed only with an intention to harass the respondent.

4. Having considered submissions advanced, it cannot be disputed that applicant is presently residing at Bhusawal and she is taking care of minor daughter aged about four years. There is no dispute that two proceedings filed by wife are pending before learned Judicial Magistrate First Class at Bhusawal. The respondent/husband has filed proceeding before Family Court at Yavatmal, which is almost 350 kms from Bhusawal. Considering the guidelines laid down by Hon'ble Supreme Court in case of **N.C.V. Aishwarya vs A.S. Saravana Karthik Sha**¹, it is trite that convenience of wife will have to be given precedence over convenience of husband. Further, when two matrimonial proceedings are pending at Bhusawal, third proceeding filed at Yavatmal can also be transferred to Bhusawal, so that all the

1 AIR 2022 SC 4318

proceedings can be simultaneously attended by parties. In that view of matter, case is made out to grant prayers made in application.

5. In result, application is allowed in terms of prayer clause (B).

6. Parties to appear before learned Civil Judge Senior Division at Bhusawal on 02.09.2025.

(S.G. CHAPALGAONKAR, J.)