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961-MCA-195-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

961 MISC. CIVIL APPLICATION NO. 195 OF 2024

Shivani W/o Pankaj Upare

VERSUS

Pankaj S/o Ambadas Upare

...

Mr. Sharad Shankarappa Halkude, Advocate for Applicant.

Mr. S. K. Adkine, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 15th OCTOBER 2025.

PC :-

1. Heard the learned Advocates for the parties.
2. This application is filed by the wife seeking transfer of matrimonial proceeding bearing Hindu Marriage Petition No.75/2023, from the Court of learned CJSD, Vasmat Dist. Hingoli to the Court of learned Judge, Family Court at Aurangabad.
3. The learned Advocate for the applicant submits that the applicant wife is presently staying in Aurangabad with her parents. Presently, four

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years child is also staying with the wife. She thus finds it difficult to attend the Court at Vasmat, as there is no one to accompany her to travel to Vasmat. Distance between two places is around 300 k.m. One proceeding under Domestic Violence Act is already filed in the Court of learned JMFC, Aurangabad where the husband has already appeared. He thus prays for allowing the application.

4. The application is vehemently opposed by the learned Advocate for the respondent-husband. He submits that the husband is ready to incur the travel expenses. The petition is pending since 2023 and for almost two years, wife has appeared in that Court and has also filed her written statement. It is only at this stage that she has filed the present application just to prolong the proceedings of Hindu Marriage Petition.

5. Considering the difficulty that the wife is residing at Aurangabad with her four years child at her parental house. It would be certainly difficult for her to travel a distance of around 300 k.m. for attending the court proceedings. The interest of justice requires that the proceedings

be transferred to the Court at Aurangabad. Hence, the following order:

ORDER

- (i) Misc. Civil Application stands allowed.
- (ii) The proceedings of Hindu Marriage Petition No.75/2023, from the Court of learned CJSD, Vasmat Dist. Hingoli stands transferred to the Court of learned Judge, Family Court at Aurangabad.
- (iii) After transfer of the proceeding, the applicant shall not seek unnecessary adjournments. In case the Trial Court finds that the adjournments are unnecessarily sought, the Trial Court may deal with such application, so as to compensate the respondent-husband, if he personally remains present.
- (iv) After transfer the learned Trial Judge shall try to dispose off the proceeding as early as possible and preferably within eighteen (18) months from the date of transfer.
- (v) Whenever request is made by the respondent-husband seeking permission to appear through video conferencing, the same shall be considered liberally by the trial Court.

(vi) The parties shall appear in the Family Court at Aurangabad on 10th November 2025 without requiring any separate notice from the Family Court Aurangabad.

(vii) With this, Misc. Civil Application stands disposed off.

[KISHORE C. SANT, J.]