



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 MISC.CIVIL APPLICATION NO. 201 OF 2024

Priyanka Ashok Nalabhe

VERSUS

Ashok Kacharu Nalabhe

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Advocate for Applicant : Mr. S.V. Gundre

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : July 22, 2025

PER COURT :-

1. The applicant-wife seeks transfer of the HMP No.134 of 2023 pending before the Family Court at Beed to the Family Court, at Latur.

2. Mr. Gundre, learned advocate appearing for applicant submits that applicant married with respondent in the year 2004. Couple is blessed with a son, who is physically challenged since his birth. Respondent has instituted HMP No.A-134/2023 before Family Court, at Beed seeking dissolution of marriage under the provisions of section 13 (1) (i-a) (i-b) of the Hindu Marriage Act, 1955. Mr. Gundre, submits that applicant would face great difficulty to travel a distance of 150 kms alongwith her physically challenged son since her place of residence at Latur. On the other hand, the

respondent is residing at Pusegaon, District Satara, he can easily travel to Latur.

3. Notice of this application is duly served upon respondent, however, none appears.

4. It is a matter of record that applicant is residing with her parents alongwith her physically challenged son. Respondent has instituted proceeding before Family Court, Beed seeking decree of dissolution of marriage. The distance between Latur to Beed is almost 130 kms. It cannot be disputed that applicant would face difficulty to attend proceeding at Family Court, Beed, particularly, when she is taking care of physically challenged son. On the other hand, respondent, who is presently residing in District Satara can easily travel to Latur.

5. In view of the law laid down by Supreme Court of India in case of *N.C.V Aishwarya Vs. A. S. Saravana Karthik Sha reported in AIR 2022 SC 4318*, it is trite that convenience of wife has to be given precedence in case of transfer of matrimonial disputes. In the result, case is made out to allow the application and same is allowed in terms of prayer clause 'B' and disposed of.

6. Parties to appear before the Family Court, Latur on
29.8.2025.

(S. G. CHAPALGAONKAR, J.)

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