



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

MISC. CIVIL APPLICATION NO. 217 OF 2025

Sow. Payal Sanjay Mallawat
@ Payal Yash Agrawal

.. Applicant

Versus

Yash Vinod Agrawal

.. Respondent

Mr. Mahesh R. Sonawane, Advocate for the Applicant.
Smt. Akshara S. Madake, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 19th SEPTEMBER, 2025.

PER COURT :-

. Heard the parties.

2. This application is filed seeking transfer of Petition P A. No. 96/2025 pending in the Court of learned Judge, Family Court, Latur to the Court of learned Judge, Family Court, Jalna. The husband has instituted the proceeding at Latur for divorce.

3. It is the case of the applicant that, she was threatened at Latur and therefore, she was even required to file one N.C. Thereafter, she filed a proceeding for restitution of conjugal rights

in the Court at Jalna bearing Petition No. A-63/2025. It is only thereafter, the husband has now filed a proceeding for divorce at Latur.

4. The learned advocate Mr. Sonawane for the applicant submits that, looking to the nature of the proceedings that one is filed for restitution of conjugal rights and another for a decree of divorce, it is desirable that both the cases are heard by one and the same Court to avoid conflicting judgments. He submits that, since wife has filed proceeding at Jalna and in view of settled position that convenience of wife be seen in the case of transfer of proceeding, he prays for allowing the application.

5. The learned advocate Smt. Madake vehemently opposes the application. She submits that, admittedly, the parties have resided at Latur and therefore, it is the Court at Latur which has the jurisdiction. No cause of action has arisen within jurisdiction of the Court at Jalna. She thus opposes the application.

6. After hearing the parties, this Court finds that, since the wife is now residing at Jalna, it is her convenience that needs to be seen. It is also necessary to avoid conflicting judgments as one

proceeding for restitution of conjugal rights is already filed and is pending before the Court at Jalna. The proceeding in the Court at Jalna is filed prior in time. For all these reasons this Court finds that, the application deserves to be allowed. Hence, following order :

ORDER

(I) Misc. Civil Application is allowed in terms of prayer clause (A).

(II) After transfer of the proceeding, the applicant-wife shall not seek any unnecessary adjournments. If the Court finds that, the applicant-wife has taken unnecessary adjournments, the Court may pass appropriate order compensating the respondent-husband.

(III) If the respondent-husband prays for leave to appear through video conferencing, the said prayer be considered liberally by making him facility of video conferencing available.

(IV) With this, Misc. Civil Application stands disposed of.

(KISHORE C. SANT, J.)

P.S.B.