

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 258 OF 2024

Sonali Pramod Gaikwad

VERSUS

Pramod Laxaman Gaikwad

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Advocate for Applicant : Mr. Reddy Ajinkya

Advocate for Respondent : Mr. Suryawanshi Govind G.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JULY 09, 2025

PER COURT :-

1. The applicant seeks transfer of Petition A No.268 of 2023 pending before learned Family Court, Nanded to learned Civil Judge, Senior Division, Pune.
2. Mr. Reddy, learned advocate appearing for applicant submits that applicant is residing at Thergaon, Taluka and District Pune. She has filed proceeding for grant of maintenance under Protection of Women From Domestic Violence Act, 2005 before Judicial Magistrate First Class, Pune against respondent/husband. Similarly, FIR No.1001 of 2022 is lodged by her against respondent/husband and his family members. Accordingly, the proceeding is pending before Judicial Magistrate First Class, Pune. Mr. Reddy submits that applicant is residing with her mother and there is no male member, who can accompany her to attend Court proceeding. Further, she has no source of income. In this background,

(2)

respondent instituted Petition A No.268 of 2023 before Family Court at Nanded. Looking to huge distance between two places, it is difficult for applicant to attend proceeding at Nanded. The respondent/husband is already attending maintenance proceeding instituted by applicant at Pune. Therefore, he urges to transfer pending proceeding from Family Court, Nanded to Civil Judge, Senior Division, Pune.

3. Learned advocate appearing for respondent vehemently opposed the application. According to him, the proceeding in FIR No.1001 of 2022 is already stayed and there would be no difficulty for applicant to attend proceeding before Family Court at Nanded.

4. Having considered submissions advanced, it can be observed that applicant is a lady living alone with her widowed mother. There is no male member in her family. She resides at Thergaon, District Pune. She has instituted proceeding for maintenance before Judicial Magistrate First Class at Pune under provisions of Domestic Violence Act, 2005 and respondent/husband is attending the same. Looking to distance between Pune and Nanded, it would be inconvenient for applicant to attend proceeding before Family Court at Nanded. It is trite as per settled law of Hon'ble Supreme Court in case of **N.C.V. Aishwarya vs A.S.Saravana Karthik Sha¹**, the convenience of wife has to be given precedence over convenience of husband. In present case, nothing is brought on record

1 AIR 2022 SC 4318

(3)

to show that husband would have difficulty in attending proceeding at Pune. Hence, case is made out to transfer proceeding pending at Family Court at Nanded to Civil Judge, Senior Division at Pune.

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

6. Parties to appear before concerned Court on 21.08.2025.

(S.G. CHAPALGAONKAR, J.)

Mujaheed//