



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

MISC.CIVIL APPLICATION NO. 226 OF 2024

**SMT. JAYASHRI W/O MUKUND NAIK
VERSUS
MUKUND S/O PRABHAKAR NAIK**

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Mr. Sachin Subhash Panale, Gauri Kulkarni, Advocate for Applicant
Ms. Akshara Sharad Madake, Advocate for Respondent

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 31.07.2025

PER COURT :-

1. Heard learned Advocates appearing for respective parties.
2. By this application, applicant seeks transfer of Marriage Petition No.164 of 2024 pending before learned Civil Judge Senior Division at Pune to Family Court at Chhatrapati Sambhajinagar.
3. Applicant-wife contends that she is residing at Chhatrapati Sambhajinagar at address mentioned in application. Respondent-husband has filed Marriage Petition No.164 of 2024 before learned Civil Judge Senior Division at Pune. One more proceeding vide Petition E. No.282 of 2023 filed by applicant is pending at Chhatrapati Sambhajinagar, in which respondent has caused appearance and attending the same. Applicant states that it is difficult for her to attend proceeding filed by respondent-husband at Pune, as distance between Pune to Chhatrapati Sambhajinagar is more than 235 kilometers.

4. Per contra, Ms. Akshara Madake, learned Advocate appearing for respondent submits that, in fact, applicant is also residing at Pune. She placed on record copy of leave and license agreement dated 31.07.2024, which depicts that applicant, along with her son, has taken residential flat on lease at Pune. It is further submitted that no one resides at the address mentioned in application, in fact applicant has given fictitious address showing her residence at Chhatrapati Sambhajinagar.

5. Having considered submissions advanced, it can be observed that although applicant states that she is residing at Chhatrapati Sambhajinagar, there is no concrete material to demonstrate the same. On the other hand, leave and license agreement produced by respondent indicates that she is residing along with her son at Pune. Respondent is aged about 61 years, retired person, who is residing at Gahunje Tq. Maval Dist. Pune. Apparently, both parties are having residence at Pune.

6. In that view of the matter, there is no propriety in permitting transfer of proceeding pending at Pune to Chhatrapati Sambhajinagar.

7. In result, Misc. Civil Application sans merit and it is accordingly **rejected**.

[S. G. CHAPALGAONKAR, J.]