



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

MISC.CIVIL APPLICATION NO. 308 OF 2024

**SOW. KAJAL W/O JITENDRA PADMUKH AND ANOTHER
VERSUS
JITENDRA S/O BADRINATH PADMUKH**

...

Mr. Kadu Shivraj B, Advocate for Applicant

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 31.07.2025

PER COURT :-

1. Heard learned Advocate appearing for applicants.
2. Although notice of this application is served upon respondent, none appears.
3. By this application, applicants are seeking transfer of Petition No. A- 170 of 2023, pending before Family Court at Jalna to Family Court at Aurangabad.
4. The learned Advocate appearing for applicants submits that marriage between applicant and respondent was solemnized on 04.05.2014. The couple is blessed with one child out of wedlock. However, due to ill-treatment meted out to applicant, she was required to leave matrimonial home and presently she is residing along with her parents at Aurangabad. She is taking care of applicant No.2, who is about 7 years old. Applicant-wife has instituted PWDVA Application

No.585 of 2023 before learned Judicial Magistrate First Class, Aurangabad and same is pending. Subsequently, respondent-husband instituted proceeding vide Petition No. A-170 of 2023 before Family Court at Jalna, seeking decree of restitution of conjugal rights.

5. Mr. Kadu further submits that it is difficult for applicant to travel to Jalna, as she is taking care of her minor child. It would cause hardship to her to attend proceeding instituted by respondent-husband.

6. The contentions of applicant are not refuted by respondent, nor he caused his appearance despite service of notice. Fact remains that applicants are residing at Aurangabad and one matrimonial proceeding is already pending before learned JMFC at Aurangabad. The subsequent proceeding instituted by respondent-husband before Family Court at Jalna can be transferred to Aurangabad and both proceedings can be decided at same place.

7. In this background, as per guidelines laid down by Hon'ble Supreme Court in case of ***N. C. V. Aishwarya Vs. A. S. Saravana Karthik Sha, reported in AIR 2022 SC 4318***, convenience of wife has to be given precedence in the matter of transfer of matrimonial proceedings. Nothing is brought on record to show that respondent would have any difficulty to attend proceeding at Aurangabad.

8. In that view of the matter, case is made out to allow application and it is accordingly **allowed** in terms of prayer clause 'B'.

9. Parties to appear before Family Court at Aurangabad on 02.09.2025.

[S. G. CHAPALGAONKAR, J.]

HRJadhav