



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

WRIT PETITION NO. 9410 OF 2025

Bhavna Prashant Munde

VERSUS

Prashant Vishnupant Munde And Another

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Advocate for Petitioner : Mr. K.J. Suryawanshi h/f V. L. Bhange

Advocate for Respondent no.1 : Mr. G.K. Naik-Thigle

Advocate for Respondent no.2 : Mrs R.S. Kulkarni

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CORAM : S. G. CHAPALGAONKAR, J.

Reserved on : August 08, 2025

Pronounced on : August 13, 2025

FINAL ORDER :-

1. The petitioner takes exception to the order dated 14.7.2025 passed in Civil M.A. No.12 of 2025 by the Principal Judge, Family Court, Aurangabad, thereby rejecting Civil MA No.12 of 2025 seeking transfer of the petition No.D-23 of 2024 from the learned Judge, Family Court No.2 to any other Court.

2. The petitioner instituted petition no.D-23 of 2024 before the Family Court, at Aurangabad for custody of minor daughter Tanishka. The proceeding is at the stage of recording of evidence. The petitioner moved a transfer petition no.12 of 2025 before the learned Principal Judge on various grounds. However, learned Principal Judge, Family Court, Aurangabad refused to entertain the application. Hence, this writ petition.

3. Mr. Suryawanshi, learned advocate appearing for petitioner submits that petitioner filed her evidence affidavit on 8.4.2024 and produced documentary evidence. Matter was adjourned for recording examination-in-chief. Petitioner presented herself on five consecutive dates, her examination-in-chief was not recorded. On 27.5.2025 although matter was at serial no.1 and petitioner was present whole day before the Court, learned Judge did not record examination in chief. Mr. Suryawanshi submits that learned Judge entertained the application submitted by respondent and protracted the proceeding. He would point out that this Court has already directed to decide the main proceeding within stipulated period, but such directions are ignored by the learned Judge. He would submit that learned Judge has expressed that it would not be possible for her to decide the matter within six months as directed by the Court. Mr. Suryawanshi, tried to point out various instances that led to filing of transfer petition no.12 of 2025.

4. Per contra, Mr. Thigle, learned advocate appearing for respondent no.1 submits that it is very easy to make allegations against the Presiding Officer of the Court. He would urge to take action against the petitioner for making false and baseless allegations against learned Judge, so also for using

unwarranted words in the application which are contemptuous. In support of his submissions, he relies upon the order passed by the Supreme Court of India in case of **N. Peddy Raju Vs. Anumula Revanath Reddy and Anr. In Transfer Petition (Criminal) No. 613 of 2025.**

5. Having considered the submissions advanced, it can be observed that, this Court has directed Family Court to decide the pending proceeding in D-23 of 2024 within a period of six months. The petitioner has already tendered her evidence affidavit. Although, petitioner seeks to press into service various instances to depict apprehension of bias and disregard to the directions of this Court on the part of the learned Presiding Officer, material on record is insufficient to make out any case for transferring the matter.

6. The learned Principal Judge, Family Court, Aurangabad observed that mere dis-satisfaction with the Court's order cannot be the basis for transfer of the matter. There must be concrete evidence or material to infer bias or unfairness. On the basis unfounded allegations against the Presiding Officer transfer of the matter cannot be permitted. This Court cannot be oblivious that the Family Courts are flooded with large number of cases. Every litigant wants priority to his case,

however, judicial officers are required to maintain balance and decide the priority on the basis of facts and situation of each and every case. It appears that the petitioner wants primacy to her case and, therefore, employed baseless and vague allegations against the Presiding officer. Apprehension raised by the petitioner is unfounded. Learned Principal Judge, Family Court has rightly considered the factual and legal aspect of the matter and dismissed the application seeking transfer. No ground is made out to cause interference in the writ jurisdiction. Hence, writ petition stands **rejected**.

(S. G. CHAPALGAONKAR)
Judge.

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