



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

MISC.CIVIL APPLICATION NO. 253 OF 2024

SHILPA W/O AMIT WAGHMARE
VERSUS
AMIT S/O. GOPINATH WAGHMARE

...

Mr. Tungar Hrishikesh V., Advocate for Applicant
Mr. B. B. Kulkarni, 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/wife seeks transfer of Marriage Petition No.1520 of 2018, filed by respondent-husband, pending before learned Civil Judge Senior Division, Pune to Family Court at Beed.
3. Mr. H. V. Tungar, learned Advocate appearing for applicant submits that marriage between applicant and respondent has been solemnized in the year 2009. The couple is blessed with a son, namely Arnab, who is aged about 15 years and is presently taking education in 11th standard. Mr. Tungar would submit that maintenance proceeding instituted by applicant/wife vide Criminal M. A. No.821 of 2023 is pending before Chief Judicial Magistrate First Class, Beed and

respondent is attending the same. He further points out that respondent has instituted Marriage petition No.1520 of 2018 under Section 9 of Hindu Marriage Act before learned Civil Judge Senior Division, Pune seeking restitution of conjugal rights and same is pending. He would, therefore, urge that said proceeding be transferred to Family Court at Beed.

4. Mr. Kulkarni, learned Advocate appearing for respondent vehemently opposes application. He submits that respondent is taking care of his old aged parents and even he is in financial duress due to matrimonial dispute. As such, it is difficult for him to attend proceeding at Beed.

5. Having considered submissions advanced, it cannot be disputed that applicant is residing at Beed along with her son, who is taking education in 11th standard. Respondent is already attending on matrimonial proceeding at Beed in Criminal M. A. No.821 of 2023 instituted by applicant-wife for maintenance. In light of aforesaid facts and law 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. The distance between Beed to Pune is approximately 270 kilometers. It would be difficult for applicant-wife to attend proceeding instituted by respondent-husband at Pune, when respondent-husband is

already attending proceeding at Beed, it would not be difficult for him to attend another proceeding, if it is transferred to Beed.

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

7. Parties to appear before Family Court at Beed on 02.09.2025.

[S. G. CHAPALGAONKAR, J.]

HRJadhav