

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 248 OF 2023

Gayatri Ritesh Nemade

VERSUS

Ritesh Nandkishor Nemade

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Advocate for Applicant : Mr. Shubham K. Shinde h/f Mr. Gaikwad
Chhaya Eknath

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JULY 03, 2025

PER COURT :-

1. Heard Mr. Shubham Shinde, learned advocate appearing for applicant.
2. The applicant seeks transfer of Hindu Marriage Petition No.175 of 2023 pending before learned Civil Judge, Senior Division, Nasik to Family Court at Aurangabad.
3. Learned advocate appearing for applicant submits that the applicant has instituted two proceedings at Aurangabad i.e. proceeding under provisions of Section 12 of Protection of Women from Domestic Violence Act bearing PWDVA No.74 of 2023 before Judicial Magistrate First Class, Aurangabad and Petition No.E-44 of 2023 under Section 125 of Criminal Procedure Code before Family Court at Aurangabad. The husband is attending both proceedings. However, the husband has instituted proceeding under Section 9 of Hindu Marriage Act vide HMP No.175 of 2023 before learned Civil

(2)

Judge, Senior Division, Nasik. The applicant faces difficulty in attending proceeding at Nasik due to distance of 200 kms.

4. Although notice of this application is served, none appears for respondent. In that view of matter, considering the fact that applicant is a woman and residing at Aurangabad, it would be difficult for her to attend proceeding at Nasik which is at a distance of 200 kms from Aurangabad. Apart from that, the applicant has also instituted two proceedings at Aurangabad. In this background, respondent/husband would have no difficulty to attend the proceeding at Aurangabad including proceeding instituted by him.

5. In that view of matter and considering trite law that convenience of wife shall be given precedence over convenience of husband, this application deserves to be allowed and it is accordingly allowed in terms of prayer clause (B).

6. Parties to appear before Family Court at Aurangabad on 18.08.2025.

(S.G. CHAPALGAONKAR, J.)