



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

MISC. CIVIL APPLICATION NO. 274 OF 2024

Pooja W/o Rushikesh Patil

.. Applicant

Versus

Rushikesh S/o Santosh Patil

.. Respondent

Mr. Sandesh R. Patil, Advocate for the Applicant.

Mr. Sanjay D. Hiwrekar, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 19th SEPTEMBER, 2025.

PER COURT :-

. This application is filed by the wife seeking transfer of the proceeding of H.M.P. No. 227/2023 from the Court of learned Civil Judge Senior Division, Chalisgaon to the Court of learned Civil Judge Senior Division, Malegaon.

2. It is stated that, the wife has already filed one proceeding and the same is pending in the Court at Malegaon under the provisions of Protection of Women from Domestic Violence Act (for short "D. V. Act") bearing PWDV Application No. 314/2022. The husband has already appeared in the said proceeding. The

second ground raised is that the wife is residing with her parents at Malegaon. There is no one to accompany her. One more reason stated in the application is that, there is minor girl of four years of age who also stays with the applicant. The applicant, therefore, find it difficult to attend the Court at Chalisgaon.

3. The learned advocate Mr. Patil for the applicant submits that, all the grounds stated in the application shows that the proceeding needs to be transferred to the Court at Malegaon. He has also produced on record medical certificates showing that the wife is suffering from Thyroid problem.

4. The learned advocate Mr. Hiwrekar for respondent vehemently opposes the application. He submits that, the distance between two places is only 60 Kms. The wife can easily travel such a distance without any difficulty. The proceeding is rightly filed in the Court at Chalisgaon where the Court has jurisdiction as the parties have residing at Chalisgaon.

5. Considering that, the wife is residing at present with her parents at Malegaon and there is also a daughter of four years of

age and some medical issues are also there, this Court finds that, the application deserves to be allowed. Hence, following order :

ORDER

(I) Misc. Civil Application is allowed in terms of prayer clause (A).

(II) After transfer of the proceeding, the learned Trial Judge is expected to decide the proceeding as early as possible and give the dates as given in the proceeding under the D.V. Act.

(III) After transfer of the proceeding, the applicant-wife shall not seek any unnecessary adjournments. If the Court finds that, the applicant-wife has taken unnecessary adjournments, the Court may pass appropriate order compensating the respondent-husband.

(IV) With this, Misc. Civil Application stands disposed of.

(KISHORE C. SANT, J.)

PS.B.