



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

73 MISC.CIVIL APPLICATION NO. 273 OF 2024

Pallavi Vijay Lavane

VERSUS

Vijay Bhaskar Lavane

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Advocate for Applicant : Mr. R.R. Dhongde

Advocate for Respondents : Mr. B K Patil

CORAM : S. G. CHAPALGAONKAR, J.

Dated : July 29, 2025

FINAL ORDER :-

1. Present application is filed seeking transfer of H.M.P No.31 of 2024 pending before the learned Civil Judge S.D., Ahmedpur to the Family Court, at Jalgaon.

2. Learned counsel appearing for applicant submits that marriage between applicant and respondent was solemnized on 5.5.2011. Matrimonial relations still subsists. There are two issues out of the marriage. However, due to ill-treatment meted out to the applicant, she was required to leave matrimonial home and presently she is residing alongwith her parents. He would submit that applicant had already filed a maintenance petition No.28 of 2024 before the Family Court, at Jalgaon under section 125 of the Criminal Procedure Code so also PWDVA proceeding no.61 of 2024 which is also pending before learned Judicial Magistrate First Class, Jalgaon. Respondent/husband has caused his appearance and he is attending those proceedings. Learned

advocate appearing for applicant submits that distance between Ahmedpur to Jalgaon is about 440 kilometers. It would be difficult for applicant/wife to attend the proceeding filed by husband at Ahmedpur. He would therefore urge that the application may be allowed and proceeding HMP No. 31 of 2024 pending before learned Civil Judge Senior Division, Ahmedpur be transferred to Family Court at Jalgaon.

3. Learned counsel appearing for respondent/husband vehemently opposes the application. He submits that respondent is serving as an 'Assistant Professor' in Educational Institution and it would be difficult for him to avail leave and travel a distance of 440 kilometers. Instead, wife can attend the proceeding, for which respondent can make necessary arrangements towards expenses.

4. Having considered the submissions advanced, it is not disputed before this Court that maintenance petition No.28 of 2024 filed by applicant/wife is pending before the Family Court at Jalgaon. Similarly, PWDVA no.61 of 2024 under the provisions of Protection of Women from Domestic Violence Act is also pending before J.M.F.C. at Jalgaon. Respondent has instituted H.M.P No.31 of 2024 before learned Civil Judge S.D. at Ahmedpur, which is at a distance of 440 kilometers from Jalgaon. Applicant is residing at Jalgaon alongwith her parents and she is taking care of two children. Respondent/husband is already attending two proceedings filed by wife at Jalgaon.

5. Looking to aforesaid factual aspects and law laid down by the Supreme Court of India 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 case of transfer of matrimonial disputes over convenience of husband. Further, where there are multiple proceedings pending between parties, it is always advisable to transfer the proceedings at one and the same place so that it would be convenient to attend the same.

6. In the result, case is made out to allow the application and it is accordingly allowed in terms of prayer clause “A”. Parties to appear before the Family Court, at Jalgaon on **25.8.2025**. Misc. Civil Application stands **disposed of**.

(S. G. CHAPALGAONKAR)
Judge

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