



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

MISC.CIVIL APPLICATION NO. 279 OF 2024

**SAU. KULVINDER KAUR SPANSINGH GORMNAGAR
VERSUS
SAPANSINGH BHAJANSINGH GORAMNAGAR**

...

Mr. Vikram Sahebrao Kadam, Advocate for Applicant

....

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 06.08.2025

PER COURT :-

1. Heard Mr. V. S. Kadam, learned Advocate appearing for applicant.
2. By this application, applicant seeks transfer of H.M.P. No.134 of 2023, pending before learned Civil Judge Senior Division Pandharkawada (Kelapur) to Family Court at Nanded.
3. Mr. Kadam submits that marriage between applicant and respondent was solemnized on 11.05.2014. However, due to ill-treatment meted towards applicant, she is forced to reside along with her parents at Nanded. The couple is blessed with two children, who are taking education in first and third standards. Applicant is taking care of both children.
4. Mr. Kadam further submits that applicant-wife had filed proceeding under Protection of Women from Domestic Violence Act, which has been decided in her favour. The execution of said order is

now pending before learned Judicial Magistrate First Class, Nanded. The distance between Nanded to Pandharkawada (Kelapur) is about 220 kilometers. It would be difficult for applicant to travel such a distance, particularly when she is responsible to care for two minor children. It would cause great hardship to her to attend proceeding at Pandharkawada (Kelapur). He would, therefore, urge that proceeding pending at Pandharkawada (Kelapur) be transferred to Nanded.

5. Although notice of this application is served upon respondent, none appears.

6. Having considered submissions advanced, it can be observed that applicant is residing at Nanded along with her two children. She had instituted proceedings under DV Act and execution of order passed therein is pending before learned JMFC at Nanded. The distance between Pandharkawada (Kelapur) to Nanded is about 220 kilometers, it would be difficult for applicant to travel such distance and attend proceeding instituted by respondent-husband at Pandharkawada (Kelapur).

7. In light of aforesaid factual aspects 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.

8. The contentions of applicant are not refuted by respondent, nor he caused his appearance despite service of notice. Nothing is brought on record to show that respondent would have any difficulty to attend proceeding at Nanded.

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

10. Parties to appear before Family Court at Nanded on 15.09.2025.

[S. G. CHAPALGAONKAR, J.]

HRJadhav