



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

63 MISC.CIVIL APPLICATION NO. 290 OF 2024

ASHWINI W/O ROHIT ROKADE
VERSUS
ROHIT S/O VILAS ROKADE

...

Mr. Pokale Dnyaneshwar Bhaurao, Advocate for Applicant
Mr. Pavan M Salunke, Advocate for Respondent

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 16.06.2025

PER COURT :-

. The wife has filed present application for transfer of proceeding in HMP No.126 of 2023 pending before the learned Civil Judge, Senior Division at Rahata Dist. Ahmednagar. There are three matrimonial proceedings between the parties. Applicant has filed proceeding under Domestic Violence Act and Hindu Marriage Act for restitution of conjugal rights before the Family Court, Aurangabad. In those proceedings respondent/husband has caused appearance before the Family Court. Husband instituted proceeding in HMP No.126 of 2023 under Section 13 of Hindu Marriage Act, 1955.

2. Learned Advocate appearing for respondent submits that in that proceeding, issues are framed and evidence affidavit

has been filed. According to him, even the arrangement of expenses of wife is made and therefore a prayer for transfer of proceeding need not be entertained at this stage.

3. Having considered submissions advanced, it can be observed that two proceedings filed by wife are pending before the Family Court at Aurangabad, whereas the proceeding for divorce instituted by husband is pending before the Civil Judge Senior Division at Rahata, Ahmednagar. It is trite that convenience of wife has to be given precedence when it comes to transfer of matrimonial proceeding. It would be convenient for the parties, if all these proceedings are taken up before one and same Court and disposed by same Court. Respondent/husband would not have difficulty to attend Family Court at Aurangabad. On the other hand, applicant/wife would face difficulty in attending proceeding at Rahata, Ahmednagar.

4. Learned Advocate appearing for applicant submits that husband has failed to deposit interim maintenance and to make arrangement for transport expenses.

5. Considering aforesaid circumstances, it would be appropriate in the interest of justice to allow present application. In

result, application is allowed in terms of prayer clause 'A'. The parties shall appear before the Family Court, Aurangabad on 25.07.2025. Once the proceeding is transferred, the learned Family Court shall endeavour to dispose same earliest and in any case within a period of Nine (09) months from today.

[S. G. CHAPALGAONKAR, J.]

HRJadhav