



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

MISC.CIVIL APPLICATION NO. 303 OF 2024

**SNEHAL RAHUL FHUNNE @ SNEHAL UMAKANT
CHOUDHARY
VERSUS
RAHUL GOVARDHAN FHUNNE**

...

Mr. Rupesh Bapurao Hake, Advocate for Applicant.

Mr. P. K. Wagh h/f Mr. B. S. Choure, Advocate for Respondent.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 23rd JULY, 2025.**

P.C.:-

1. By this application, applicant-wife seeks transfer of Hindu Marriage Petition No.31/2024 pending before Civil Judge Senior Division at Majalgaon, Dist. Beed to Family Court at Aurangabad.

2. The learned Advocate appearing for applicant submits that marriage between applicant and respondent was solemnized on 23.03.2022. However, applicant was ill-treated. Consequently, she was required to leave matrimonial home. Since then, she is residing at Aurangabad alongwith her parents. The applicant has filed PWDVA No.685/2023 before Judicial Magistrate First Class at Aurangabad. She has also filed FIR in Crime No.316/2023 at Contonment Police Station, Aurangabad. At this juncture, respondent-husband has filed Hindu Marriage Petition No.31/2024 before Civil Judge Senior Division at Majalgaon, Dist. Beed seeking decree of dissolution of marriage. The distance between Majalgaon

to Aurangabad is almost 160 kilometers and it would be difficult for applicant to attend proceeding at Majalgaon. He would, therefore, urge to transfer proceeding instituted by husband to Family Court at Aurangabad.

3. The learned Advocate appearing for respondent vehemently opposes application and submits that there are no good grounds for transfer of proceeding.

4. Having considered submissions advanced, it cannot be disputed that applicant is residing at Aurangabad and she has already instituted proceeding vide PWDVA No.685/2023 and same is pending before Judicial Magistrate First Class at Aurangabad. Apart from that criminal case is instituted for offence punishable under Section 498-A of Indian Penal Code at Aurangabad. It is therefore, evident that two proceedings are pending at Aurangabad and respondent has instituted divorce proceeding before Civil Judge Senior Division at Majalgaon.

5. Considering law laid down by Supreme Court of India in case of *N.C.V. Aishwarya Vs. A. S. Saravana Karthik Sha*¹, convenience of wife has to be given precedence over convenience of husband in case of transfer of matrimonial disputes. If all

¹ AIR 2022 SC 4318.

proceedings are taken up at Aurangabad, respondent would not have difficulty to attend the same.

6. In result, application succeeds and same is allowed in terms of prayer Clause (B).

7. Parties to appear before Family Court at Aurangabad on 29.08.2025.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/July-2025