

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 312 OF 2024

Rakhi Pravin Wandre

VERSUS

Pravin Vitthal Wandre

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Advocate for Applicant : Mr. Patil Vinod Prakash

Advocate for Respondent : Mr. Choudhari Deepak D.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : AUGUST 07, 2025

PER COURT :-

1. The applicant/wife seeks transfer of Marriage Petition No. A-399 of 2019 pending before Family Court at Jalgaon to Family Court at Dhule.
2. Mr. Vinod Patil, learned advocate appearing for applicant submits that marriage between applicant and respondent was solemnized on 16.03.2007. The couple is blessed with two children out of wedlock. The respondent/husband deserted applicant/wife and, therefore, she is residing at Dhule along with her parents. The applicant has instituted proceeding for restitution of conjugal rights before Family Court at Dhule. She has instituted proceeding for grant of maintenance before Judicial Magistrate First Class at Dhule. In this background, respondent/husband has filed Petition No. A-399 of 2019 before Family Court at Jalgaon seeking decree of dissolution of marriage. Mr. Patil would submit that distance between Dhule to

Jalgaon is almost 140 kms. The applicant is taking care of two minor children hence, it would be difficult for her to attend proceeding at Jalgaon.

3. Per contra, Mr. Choudhari, learned advocate appearing for respondent vehemently opposed the application. He contends that previously this proceeding was concluded before Family Court at Jalgaon and decree was passed. Later on, applicant filed Family Court Appeal before this Court and matter is relegated back for fresh decision to Family Court at Jalgaon. Therefore, there is no necessity to transfer the proceeding.

4. Considering submissions advanced, it can be observed that Petition No.399 of 2019 was decided exparte against applicant/wife. Such decree has been set aside by this Court in appeal and matter is remitted back to Family Court at Jalgaon. The applicant is residing at Dhule along with her two minor children. She has already instituted proceeding for restitution of conjugal rights before Family Court at Dhule. She is also prosecuting one more proceeding for maintenance at Dhule. In this background, if proceeding instituted by husband is transferred to Dhule, all three proceedings can be decided at one place and it would be convenient for both parties. Even looking to the law laid down by the Hon'ble Supreme Court in case of *N.C.V. Aishwarya Vs. A.S. Saravana Karthik*

Sha reported in AIR 2022 SC 4318, the aforesaid course is required to be adopted.

5. In that view of matter, case is made out to allow the application and it is accordingly allowed in terms of prayer clause (B).

6. Parties to appear before Family Court at Dhule on 08.09.2025.

(S.G. CHAPALGAONKAR, J.)