



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

49 MISC.CIVIL APPLICATION NO. 279 OF 2023

**SHAMABI KAMIL KHAN PATHAN
VERSUS
KAMILKHAN NOORKHAN PATHAN**

...
Mr. Al. Amoodi A.M. h/for Mr. G. R.syed, Advocate for Applicant

....

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 02.07.2025

PER COURT :-

1. Applicant seeks transfer of proceeding bearing Regular Civil Suit No.86 of 2023 pending before Civil Judge Junior Division, Purna Dist. Parbhani to learned Civil Judge, Junior Division at Udgir Dist. Latur.

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

3. Learned Advocate appearing for applicant submits that applicant is residing at Udgir Dist. Latur. Respondent-husband has instituted Regular Civil Suit No.86 of 2023 before learned Civil Judge Junior Division, Purna for restitution of conjugal rights. Applicant is taking care of tender aged child. As such, it is difficult for her to travel distance of 110 kilometers from her place of residence to Purna.

4. Considering submissions advanced and guidelines given 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 proceeding, hence this Court deems it appropriate to allow present application.

5. In result, Miscellaneous Civil Application is **allowed** in terms of prayer clause 'B'.

6. Parties to appear before the learned Civil Judge Junior Division at Udgir Dist. Latur on 14.08.2025.

[S. G. CHAPALGAONKAR, J.]