



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

MISC.CIVIL APPLICATION NO. 324 OF 2024

KAVITA W/O MUNJA SHINDE
VERSUS
MUNJA S/O ASARAM SHINDE

...

Mr. Manwatkar Dinesh Umakant, Advocate for Applicant

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 31.07.2025

PER COURT :-

1. Heard Mr. Manwatkar, learned Advocate appearing for applicant.
2. Although Advocate Mr. Bhushan Lahane caused his appearance on behalf of respondent, he failed to file Vakalatnama.
3. By this application, applicant seeks transfer of Hindu Marriage Petition No.93 of 2024 filed by respondent before learned Civil Judge Senior Division at Parbhani to learned Civil Judge Senior Division at Majalgaon.
4. The learned Advocate for applicant submits that on 31.05.2021 marriage between applicant and respondent is solemnized. The couple is blessed with one daughter, namely, Aaradhya, who is presently aged about one and half year. Applicant is taking care for her. Respondent-husband caused mental and physical ill-treatment to applicant-wife and deserted her. Now, she is residing along with her parents at Surangaon Tq. Majalgaon Dist. Beed. Respondent-husband has instituted H.M.P. No.93 of 2021 before learned Civil Judge Senior Division at

Parbhani seeking decree of restitution of conjugal rights. It would be difficult for applicant to attend proceeding at Parbhani, as distance between Surangaon to Parbhani is more than 70 kilometers.

5. The contentions raised by applicant are not refuted by respondent.

6. In this background, it can be observed that applicant is residing at remote place at Surangaon Tq. Majalgaon, it would be difficult for her to travel to Parbhani to attend proceeding, particularly when she is taking care of child. There is nothing on record to show that respondent would have any difficulty to attend proceeding, if it is transferred to Majalgaon.

7. In view of 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. Thus, case is made out to allow application and it is accordingly **allowed** in terms of prayer clause 'B'.

9. Parties to appear before learned Civil Judge Senior Division at Majalgaon on 02.09.2025.

[S. G. CHAPALGAONKAR, J.]