

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 284 OF 2023

Priya Milind Ambhore

VERSUS

Milind Subhash Ambhore

...

Advocate for Applicant : Mr. Parghane Madhukar M.

Advocate for Respondent : Ms. Sumedha C. Thombre (Jagtap)

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : JULY 21, 2025

PER COURT :-

1. The applicant/wife seeks transfer of Hindu Marriage Petition No.120 of 2023 pending before learned Civil Judge Senior Division, Washim to learned District Court at Aurangabad.
2. Learned advocate appearing for applicant submits that applicant married with respondent on 29.05.2022. However, due to ill-treatment meted with her, she was required to leave matrimonial home within a short period of marriage. Now, she is compelled to reside with her parents at Rangangaon (She.pu.), Taluka Gangapur, District Aurangabad. The applicant has instituted proceeding PWDVA No.109 of 2003 before Judicial Magistrate First Class at Aurangabad against respondent/husband and his in-laws, which is pending. The respondent/husband instituted Hindu Marriage Petition No.120 of 2023 seeking decree of restitution of conjugal rights against applicant at Washim. Learned advocate appearing for applicant submits that

applicant, being a lady, in absence of any male member to accompany her would face difficulty to attend the Court at Washim. On the other hand, respondent can attend proceeding at Aurangabad, if it is transferred as prayed.

3. Learned advocate appearing for respondent strongly opposes the application. She would submit that respondent is a labour. His old parents are dependent upon him and it would be difficult for him to attend proceeding at Aurangabad.

4. Considering submissions advanced, it can be observed that applicant is a lonely lady residing with her parents at Aurangabad. Already she has instituted PWDVA No.109 of 2023 before Judicial Magistrate First Class, Aurangabad and same is pending. In this background, if Hindu Marriage Petition No.120 of 2023 pending before the Court at Washim is transferred to Aurangabad, respondent can attend both proceedings without any difficulty. As per the law laid down by the Hon'ble Supreme Court in case of **N.C.V. Aishwarya vs A.S. Saravana Karthik Sha¹**, convenience of wife has to be given precedence over convenience of husband.

5. Hence, the application deserves to be allowed and it is accordingly allowed in terms of prayer clause (B).

6. Parties to appear before Civil Judge Senior Division at Aurangabad on 29.08.2025.

¹ AIR 2022 SC 4318

7. The Secretary, High Court Legal Services Sub-Committee, Aurangabad to quantify fees and other remunerations of appointed advocate appearing for respondent as per rules.

(S.G. CHAPALGAONKAR, J.)