



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

**MISC. CIVIL APPLICATION NO. 337 OF 2023**

Sau. Yogita W/o Nikhil Baviskar  
Age : 26 years, Occu. : Household,  
Presently R/o C/o. Bhushan Dnyaneshwar Patil,  
R/o. 8, Mayur Housing Society, Nimkhedi Shivar,  
Khotenagar, Jalgaon, Tal. & Dist. Jalgaon. .. Applicant

Versus

Nikhil S/o Manohar Baviskar  
Age : 32 years, Occu. : Service,  
R/o. 104, Haribhaunagar, Near Ghandhinagar,  
Nandurbar, Taluka & District Nandurbar. .. Respondent

Mr. Hemraj P. Kshirsagar, Advocate for the Applicant.  
Mr. H. V. Tungar, Advocate for Respondent.

**CORAM : KISHORE C. SANT, J.**

**DATED : 24<sup>th</sup> FEBRUARY, 2025.**

**P. C. :-**

. At the outset, learned advocate Mr. Tungar for respondent has produced on record copy of notice sent by him to his client as he is not responding and giving instructions. Considering this, the appearance of Mr. Tungar, learned advocate for respondent stands discharged.

2. Be that as it may, this application is filed seeking transfer of matrimonial proceedings i.e. Petition (A) No. 35/2023 pending before the learned Civil Judge Senior Division, Nandurbar to the learned Civil

Judge Senior Division, Jalgaon.

3. It is the case of the applicant that, she is presently staying with her parents. The distance between two places is more than 180 Kms. There is no one to accompany her to attend the Court proceedings at Nandurbar. The applicant has already filed two proceedings. One Criminal Misc. Application No. 54/2019 in the Court at Jalgaon and another is H.M.P No. 151/2023 for restitution of conjugal rights before the learned Civil Judge Senior Division, Jalgaon. It is the case of the applicant that, subsequent to filing of the application for restitution of conjugal rights, the husband has filed proceeding at Nandurbar for divorce.

4. Considering the distance in two cities and that the applicant is a wife who find it difficult to travel to Nandurbar to attend the proceedings, this Court finds that, it would be convenient for the wife to transfer the proceedings to the learned Civil Judge Senior Division, Jalgaon. Hence, the following order.

#### **ORDER**

(I) The misc. civil application stands allowed in terms of prayer clause (A).

(II) The applicant shall not seek unnecessary adjournment after the

proceeding is transferred to the learned Civil Judge Senior Division, Jalgaon. If the Court finds that, the applicant is seeking unnecessary adjournments, the Court may pass appropriate order compensating the respondent.

(III) After transfer of the proceeding, the learned Trial Court shall make endeavour to dispose of the matrimonial proceeding as early as possible and preferably within eighteen months from the date of the transfer.

(IV) With this, the misc. civil application stands disposed of.

**( KISHORE C. SANT, J. )**

RS.B.