



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
MISC.CIVIL APPLICATION NO. 360 OF 2024**

PRANITA YOGRAJ NIMBALKAR
VERSUS
YOGRAJ NARAYAN NIMBALKAR

...
Mr. Sharad Natu, Advocate for Applicant.

...
**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 05th AUGUST, 2025.**

P.C.:-

1. By this application, applicant wife seeks transfer of H.M.P. No.776/2024 pending before Family Court at Pune to Civil Judge Senior Division, Ausa.
2. Although notice of this application is served upon respondent, none appears.
3. The learned Advocate appearing for petitioner submits that marriage between applicant and respondent solemnized on 06.07.2019. The applicant was ill-treated by respondent and his family members. Eventually, she was abandoned. The applicant has, therefore, filed H.M.P. No.198/2023 under Section 9 of Hindu Marriage Act seeking restitution of conjugal rights and the same is pending before Civil Judge Senior Division, Ausa. He would submit that, later on respondent filed H.M.P. No.776/2024 before Family Court at Pune seeking decree of dissolution of marriage. The learned Advocate submits that distance between Pune to Ausa is more than 350 kilometers and it would be difficult for applicant

to attend proceeding at Pune. He would, therefore, urge to transfer H.M.P. No.776/2024 to Civil Judge Senior Division, Ausa.

4. The record indicates that applicant has filed H.M.P. No.198/2023 before Civil Judge Senior Division, Ausa and thereafter, respondent-husband filed H.M.P. No.776/2024 before Family Court at Pune. There cannot be dispute that distance between Pune to Ausa is more than 350 kilometers and applicant would face difficulty to attend Family Court at Pune.

5. In view of aforesaid factual position and law laid down by Hon'ble Supreme Court of India in case of *N.C.V. Aishwarya Vs. A. S. Saravana Karthik Sha*¹, convenience of wife has to be given precedence over convenience of husband in case of transfer of matrimonial disputes. Similarly, when there are multiple matrimonial proceedings between parties, it is necessary to bring all such proceedings at one and the same place.

6. In that view of the matter, case is made out to allow application. Hence, application is allowed in terms of prayer Clause (B).

7. Parties to appear before Civil Judge Senior Division, Ausa on 08.09.2025.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/August-2025

¹ AIR 2022 SC 4318.