



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 375 OF 2024

Bhagyashree Chetan ChaudhariApplicant

VERSUS

Chetan Ravindranath Chaudhari & othersRespondents

Mr. S. R. Patil, Advocate for Applicant.

Ms. Asha Gore, Advocate for Respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 1st DECEMBER, 2025.

PER COURT :

1. Heard learned Advocates for Applicant and Respondent No. 1.
None for Respondent No. 2 inspite of service of notice.

2. Present Application is filed by the Applicant seeking transfer of the proceeding bearing Marriage Petition No. 1001/2024 filed and pending before the learned 13th Jt. Civil Judge Senior Division, Pune to the Court of learned Civil Judge Senior Division, Jalgaon.

3. It is the case of the Applicant that the Respondent has filed proceeding seeking divorce in the Court at Pune. She is however residing at Jalgaon with her mother. She has no father. She finds it difficult to travel to Pune for attending the proceeding as there is no

one to accompany her. There are various cases pending at Jalgaon. One proceeding bearing Petition No. A-36/2025 seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act is filed at Jalgaon. In addition to that, there are other proceedings such as proceeding bearing No. E-10/2025 claiming maintenance under Section 125 of the Code of Criminal Procedure, proceeding bearing No. C-1/25 under Section 18 of the Hindu Adoption and Maintenance Act, RCC No. 625/25 for the offences punishable under Section 498A of the Indian Penal Code. A complaint is also filed under Protection of Women from Domestic Violence Act. Since all these proceedings are pending at Jalgaon, it is convenient for the parties that all the cases are tried at Jalgaon.

4. Learned Advocate for the Applicant vehemently submits that looking to all the aspects, it is necessary to allow the Application.

5. The Application is vehemently opposed by learned Advocate for Respondent No. 1. She submits that the wife is in a habit of filing complaint after complaint against the husband with a view to harass him. The divorce proceeding at Pune is first in time. It is after filing of the divorce proceeding, the wife has filed various proceedings at

Jalgaon levelling false allegations against the husband. The husband is also maintained his old mother who is suffering from various ailments. He also finds it difficult to travel to Jalgaon. It is thus, prayed that the Application be dismissed.

6. Since it is an Application by the wife, it is by now settled that it is the convenience of the wife that needs to be seen in the matters of transfer. Considering that various other proceedings are pending at Jalgaon in which husband is required to appear, this Court is inclined to allow the Application. Hence, the following order :-

ORDER

- (i) Application is allowed in terms of prayer clause 'A'.
- (ii) After transfer of the proceeding, the wife shall not seek unnecessary adjournments.
- (iii) If it is found that the wife is seeking unnecessary adjournments, necessary order be passed compensating the husband if he remains personally present in the Court.
- (iv) The husband is at liberty to apply for appearance through video conferencing. If such request is made, the Trial Court is requested to consider the same liberally.

(v) The dates in the proceeding be given considering the dates given in the other proceedings looking at the convenience of the husband.

(vi) After transfer of the proceeding, the same be disposed of as early as possible, preferably within a period of 9 months from today.

(KISHORE C. SANT)
Judge

dyb