

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 378 OF 2024

Kajal Revannath Kolhe

VERSUS

Revannath Gangadhar Kolhe

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Advocate for Applicant : Mr. Shinde Prashant Shankarrao

Advocate for Respondent : Mr. Bhosle Santosh C.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JULY 25, 2025

PER COURT :-

1. The applicant/wife seeks transfer of Marriage Petition No.221 of 2024 pending before learned Civil Judge Senior Division, Sangamner, District Ahmednagar to learned Civil Judge Senior Division at Aurangabad.

2. Learned advocate appearing for applicant submits that applicant and respondent married on 16.12.2011. The couple is blessed with a daughter aged about two years out of wedlock. Further, due to ill-treatment meted to the applicant, she was required to leave matrimonial home and presently she is residing at Aurangabad along with her parents and daughter. Learned advocate appearing for applicant further submits that applicant has already instituted two proceedings at Aurangabad, which are pending. He would submit that it would be difficult for the applicant to travel distance of 150 kms to attend proceeding instituted by respondent/husband vide Marriage Petition No.221 of 2024 before Civil Judge Senior Division

at Sangamner. Therefore, he urges to transfer the proceeding to Aurangabad.

3. Learned advocate appearing for respondent opposed the prayers in application contending that no good grounds are made out to transfer the proceeding from Sangamner to Aurangabad.

4. Having considered submissions advanced, it can be observed that applicant is residing at Bajaj Nagar, Waluj, Taluka and District Aurangabad along with her parents. She is taking care of minor daughter aged about two years. It is in the matter of record that the applicant has filed two proceedings at Aurangabad. One is under Domestic Violence Act bearing PWDVA No.27 of 2025 and second for restitution of conjugal rights bearing Hindu Marriage Petition No.15 of 2025, which are pending before Civil Judge Senior Division at Aurangabad. No specific reason is given to show the difficulty to respondent to attend proceeding at Aurangabad, if it is transferred. In that view of matter, the law laid down by Hon'ble Supreme Court in case of **N.C.V. Aishwarya vs A.S. Saravana Karthik Sha¹**, the convenience of wife will have to be given precedence over convenience of husband. As such, case is made out to allow transfer as prayed.

5. In result, application is allowed in terms of prayer clause (B).

1 AIR 2022 SC 4318

(3)

6. Parties to appear before learned Civil Judge Senior Division at Aurangabad on 02.09.2025.

(S.G. CHAPALGAONKAR, J.)

Mujaheed//