

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 387 OF 2023

Minaz Azaroddin Shaikh

VERSUS

Azaroddin Rajjak Shaikh

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Advocate for Applicant : Mr. Suryawanshi Surendra V.

Advocate for Respondent : Mr. Dinesh U. Manwatkar h/f Mr. Sachin S.
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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JULY 03, 2025

PER COURT :-

1. The applicant seeks transfer of Regular Civil Suit No.131 of 2023 pending before learned Civil Judge, Junior Division, Satana, District Nashik to learned Civil Judge, Junior Division, Chalisgaon, District Jalgaon.

2. Mr. Suryawanshi, learned advocate appearing for applicant submits that applicant is residing along with her parents at Chalisgaon along with a child, who is aged about 7 years. Since applicant is deserted by respondent, she has filed PWDVA No.869 of 2021 under Domestic Violence Act, 2005 and same is pending before learned Judicial Magistrate First Class at Chalisgaon. Similarly, applicant has filed Criminal Misc. Application No.414 of 2021 under Section 125 of Criminal Procedure Code for grant of maintenance and same is pending before learned Judicial Magistrate First Class, Chalisgaon. Apart from aforesaid proceedings, Regular Criminal Case

No.03 of 2022 is pending for trial before learned Judicial Magistrate First Class, Chalisgaon, wherein respondent/husband is an accused. Mr. Suryawanshi points out that distance between place of applicant's residence and proceeding filed by respondent is 120 kms. He would therefore urge that proceeding be transferred as prayed.

3. Learned advocate appearing for respondent relying upon affidavit in reply vehemently opposed the application. He submits that applicant has filed proceedings only with an intention to harass respondent and there would be no difficulty for her to attend proceeding pending before Civil Judge, Junior Division, Satana.

4. Having considered submissions advanced, it can be observed that applicant is residing with her parents and taking care of a child aged about 7 years. There are three matrimonial proceedings pending at Chalisgaon. Only Regular Civil Suit No.131 of 2023 filed by respondent/husband is pending at Civil Judge, Junior Division at Satana seeking decree of restitution of conjugal rights. Looking to the distance between place of residence of applicant and the Court at Satana, the applicant would face difficulty in attending proceeding. However, on the other hand, respondent would have no difficulty to attend the Court at Chalisgaon where already three other proceedings are pending.

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

(3)

6. Parties to appear before learned Civil Judge, Junior Division at Chalisgaon on 11.08.2025.

(S.G. CHAPALGAONKAR, J.)

Mujaheed//