



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

MISC.CIVIL APPLICATION NO. 395 OF 2023

MRS. SHRADDHA W/O NITIN ATRAVALKAR

VERSUS

MR. NITIN S/O DINKAR ATRAVALKAR

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Mr. Sandanshiv Milind B., Advocate for Applicant

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 08.07.2025

PER COURT :-

1. By this application, applicant-wife seeks transfer of HMP No. 671 of 2022 pending before learned Civil Judge, Senior Division Panvel to learned Civil Judge Senior Division, Bhusawal.
2. Learned counsel appearing for applicant submits that applicant is residing along with her parents since she has been deserted by her husband. Respondent-husband is residing at Mumbai.
3. Learned counsel for applicant further submits that applicant has filed proceeding vide DV Application No.46 of 2022 before learned JMFC at Bhusawal seeking maintenance. Thereafter, respondent-husband has filed proceeding under Section 9 of Hindu Marriage Act before learned Civil Judge Senior Division at Panvel seeking restitution of conjugal rights.

4. Learned counsel appearing for applicant submits that distance between applicant's place of residence to Panvel is more than 400 kilometers and it would be difficult for her to travel without any support.

5. Although notice of present application is served upon respondent, none appears.

6. It is trite that, convenience of wife has to be given precedence in the matter of transfer of matrimonial proceedings as per guidelines laid down by Hon'ble Supreme Court in case of *N. C. V. Aishwarya Vs. A. S. Saravana Karthik Sha, reported in AIR 2022 SC 4318*. Apart from that, if there are multiple proceedings between the parties, it is also desirable that proceeding is decided at one and the same place.

7. In present case, DV proceeding filed by applicant is pending before learned JMFC Bhusawal. Later on, proceeding instituted by respondent-husband under Section 9 of Hindu Marriage Act is pending before learned Civil Judge Senior Division, Panvel. The distance between Panvel and Bhusawal is more than 400 kilometers and it is obvious that applicant would face difficulty to attend proceeding at Panvel. Hence, this Court deems it appropriate to allow present application.

8. In result, Miscellaneous Civil Application is **allowed** in terms of prayer clause-B.

9. Parties to appear before learned Civil Judge Senior Division at Bhusawal on 20.08.2025.

[S. G. CHAPALGAONKAR, J.]

HRJadhav