



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION [TR] NO.533 OF 2025

Mrs. Kalyani Sachin Bharsakale @
Kalyani d/o Vinayak Bawane,
Age 23 years, Occupation-Housewife,
R/o. Kaulkhed Chowkh, Shivaji Maharaj
Putala, Kaul Khed, Akola. .. Applicant

..Versus..

Shri Sachin Jagannath Bharsakale,
Aged about 32 years,
Occupation-Service, R/o. Abhay Nagar,
Khamgaon, Tah. Khamgaon,
Dist. Buldhana. .. Non-Applicant

.....
Mr. Yash Kullarwar, Advocate (Appointed) for Applicant.
None for Non-Applicant though served.
.....

CORAM : PRAVIN S. PATIL, J.
DATED : 18.11.2025.

JUDGMENT

1. Heard the learned counsel for the applicant. None for
the non-applicant though served.

2. On oral motion, request is made to amend the prayer clause by substituting Civil Judge, Senior Division, Akola, same be inserted as Family Court, Akola. Permission is granted. Amendment be carried out forthwith.

3. It is seen from the record that this court had issued notice to the non-applicant. The notice was duly served, but no one appeared in the matter. On last date, it was informed that the matter is fixed before the trial court at Akola on 19.11.2025. Therefore, this matter was fixed today. However, today again, no one appeared on behalf of the non-applicant. In view of this factual aspect, I have no option than to proceed further in the matter.

4. By way of present application, applicant is seeking the transfer the Marriage Petition No.54/2023 from the file of Civil Judge, Senior Division, Khamgaon to the Family Court, Akola. The ground raised by the applicant is that after the matrimonial dispute between the applicant and the non-applicant, she is residing at Akola with the mercy of her parents. It is further stated that the applicant is not having any earning source for her livelihood and, therefore, it is difficult for her even to attend

the proceeding from Akola to Khamgaon.

5. It is pertinent to note that in the present proceeding also the applicant has filed the present application through the counsel of legal aid. This fact justified the submission of the applicant that she is facing financial crises and, therefore, unable to attend the proceeding at Khamgaon.

6. The learned counsel for the applicant, on instructions, made a statement that she is not receiving any maintenance amount from any proceedings which are pending between the parties. This fact also needs to be considered while accepting the submission of the applicant.

7. All the averments made by the applicant in the application are not controverted. So also the law laid down by the Hon'ble Supreme Court of India in the case of *N.C.V. Aishwarya .vs. A.S. Saravana Karthik Sha, reported in 2022 SCC OnLine SC 1199*, it is held that in certain cases priority should be given to the convenience of the wife in matrimonial dispute.

8. Considering the above said facts in the present matter, I am of the opinion that the law laid down by the

Hon'ble Supreme Court of India is applicable in the present matter. Hence, for the aforesaid reasons, the interference of this court is necessary in the matter. Hence, I proceed to pass the following order :

O R D E R

- (1) The Application is allowed.
- (2) The Marriage Petition No.54/2023 is hereby transferred from the court of Civil Judge, Senior Division, Khamgaon to the court of the Family Court, Akola.
- (3) The learned Civil Judge, Senior Division, Khamgaon is hereby directed to transfer the record and proceedings of Marriage Petition No.54/2023 to the Family Court, Akola.
- (4) The Family Court, Akola is requested to decide the proceeding as expeditiously as possible. No costs.
- (5) The fees of the appointed counsel for the applicant be quantified as per the rules.

(Pravin S. Patil, J.)