



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

922 MISC.CIVIL APPLICATION NO. 69 OF 2024

Dr Abhijit S/o Ashok Gadhave

VERSUS

Prachi W/o Abhijit Gadhave

...

Mr. Mahesh P. Kale, Advocate for Applicant

Mr. S. S. Gangakhedkar, Advocate for the Respondent

CORAM : Y. G. KHOBRAGADE, J.

Dated : 13th January, 2026

PER COURT :-

1. In pursuance of the order dated 07.10.2025 passed by this Court, the parties to the present application were referred to the Mediator. On 25.03.2025, the trained mediator Advocate Mrs. Ranjana Reddy has submitted a mediation failure report. It is taken on record and marked as 'X' for identification.
2. Heard learned counsel appearing for the applicant and learned counsel appearing for the non applicant at length.
3. By the present application under section 24 of the Civil Procedure Code, the applicant husband prays for transfer of Hindu Marriage Petition No. 65 of 2022, filed by the non applicant wife, pending on the file of Civil Judge, Senior Division, Omerga to the file of learned 13th Civil Judge, Senior Division at Pune.

4. It is not in dispute that the marriage between the applicant and non-applicant was solemnized on 01.07.2018, however, due to differences between them, they both are residing separately from each other since 2020. It is also not in dispute that the present applicant husband has instituted Marriage Petition No. 1225 of 2021 seeking annulment of marriage and it is pending on the file of 13th Civil Judge, Senior Division at Pune. Subsequently, on 27.07.2022, the present non applicant wife filed Hindu Marriage Petition No. 65 of 2022, seeking decree of restitution of conjugal rights and it is pending on the file of learned Civil Judge, Senior Division, Omerga, District Dharashiv (Osmanabad).

5. On the face of record, it appears that the present non applicant wife had filed Misc. Civil Application No. 76 of 2022 before the Principal Seat at Mumbai and prayed for transfer of Marriage Petition No. 1225 of 2021, pending on the file of 13th Civil Judge, Senior Division, Pune to court of learned Civil Judge, Senior Division, Omerga, District Dharashiv (Osmanabad), wherein the coordinate bench of this Court (Coram: Kamal Khata, J.), on 11th July, 2023, passed an order and declined to transfer the said proceeding.

6. The learned counsel appearing for the applicant

submitted that the non-applicant wife has challenged the said order before the Hon'ble Apex Court. However, nothing has been brought on record to show that there is stay to the effect and operation of the order dated 11th July, 2023 passed by the Coordinate Bench of the Court at Mumbai in Misc. Civil Application No. 76 of 2022.

7. It is needless to say that the present applicant is a medical practitioner by occupation, whereas the present non applicant-wife is doing private job and working from whom. The applicant has given address of non-applicant as- Flat No. 1006, E-Wing, Mayur Samruddhi II, Near Vitthal Temple, Akurdi, Pune. However, the present non applicant has given her address as Omkar Nagar, Omerga, District Dharashiv (Osmanabad).

8. Learned counsel for the non-applicant placed reliance on the case of **Krishna Veni Nagam Vs. Harish Nagam, AIR 2017, SC 1345**, wherein the Hon'ble Apex Court held that if the technology of video conferencing is available, in that event, the parties can avail the said facility and appear before the Court, if they are interested and observed in paragraph No. 18 as under:

"18. We, therefore, direct that in matrimonial or custody matters or in proceedings between parties to a marriage or arising out of disputes between parties to a marriage, wherever the defendants/respondents are located outside the

jurisdiction of the court, the court where proceedings are instituted, may examine whether it is in the interest of justice to incorporate any safeguards for ensuring that summoning of defendant/respondent does not result in denial of justice. Order incorporating such safeguards may be sent along with the summons. The safeguards can be:-

- i) Availability of video conferencing facility.
- ii) Availability of legal aid service.
- iii) Deposit of cost for travel, lodging and boarding in terms of Order XXV CPC.
- iv) E-mail address/phone number, if any, at which litigant from out station may communicate. "

9. The prayer of the non-applicant wife for transfer of Marriage Petition No. 1225 of 2021, pending on the file of 13th Civil Judge, Senior Division at Pune, to court of learned Civil Judge, Senior Division, Omerga, District Dharashiv (Osmanabad), has already been turned down by the coordinate bench of this Court at the Principal seat vide order dated 11th July, 2026 passed in MCA No. 76 of 2022. However, the present applicant-husband, who is the non-applicant in Hindu Marriage Petition No. 65 of 2022, filed by the non applicant wife and pending on the file of Civil Judge, Senior Division, Omerga, is seeking transfer of the said proceeding to the 13th Civil Judge, Senior Division at Pune for its disposal alongwith Marriage Petition No. 1225 of 2021.

10. In Marriage Petition No. 65 of 2022 the non applicant wife prayed for restitution of conjugal right and in Marriage Petition No. 1225 of 2021, the applicant husband has prayed for decree of divorce. Therefore, if the two courts try and decide these applications separately and pass orders contrary to each other, the rights of the parties would be prejudiced. Therefore, it is just and proper to withdraw Hindu Marriage Petition No. 65 of 2022 from file of Civil Judge, Senior Division, Omerga and transfer the same to the file of learned 13th Civil Judge, Senior Division at Pune to decide the same alongwith Marriage Petition No. 1225 of 2021. However, the non applicant wife appears to be residing at Omerga, which 350 kms. away from Pune. Therefore she is required to travel by private bus or by railway from Osmanabad. So also if she attends the said proceeding at Pune, in that event, she may require to stay in Hotel or lodge at Pune. Therefore, considering the travelling as well as lodging & boarding expenses, it will be just and proper to direct the applicant husband to pay Rs.10,000/- (Rs. Teen thousand only) on each date of attending proceedings of Hindu Marriage Petition No. 65 of 2022 towards conveyance, lodging and boarding charges to the non applicant wife and the said charges would be deposited prior to next date in the matter or the applicant husband may

directly pay the same to the non applicant wife through any other mode such as UPI/Phone pay, G-pay. etc.

11. In view of the above discussions, following order is passed:

ORDER

- (1) Misc. Civil application is allowed.
- (2) Hindu Marriage Petition No. 65 of 2022 filed by the non-applicant wife, pending on the file of Civil Judge, Senior Division, Omerga is hereby transferred to the file of the learned 13th Civil Judge, Senior Division at Pune.
- (3) The applicant- husband is directed to pay Rs.10,000/- (Rs. Teen thousand only) on each date of attending proceedings of Hindu Marriage Petition No. 65 of 2022 at Pune, towards conveyance, lodging and boarding expenses to the non-applicant wife, which shall be deposited in the court prior to next date in the matter or the applicant husband may directly pay the same to the non applicant wife through any other mode such as UPI/Phone pay/G-pay/Bank Transfer. etc.

(Y. G. KHOBRAGADE, J.)

JPChavan