



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

913 MISC.CIVIL APPLICATION NO. 131 OF 2024

MADHAVI MANVENDRA TELI

....Applicant

VERSUS

MANVENDRA SANJAY TELI

.....Respondent

Mr. M. P. Tripathi, Advocate for the Applicant

Mr. Amol D. Lipne, Advocate for the Respondent

CORAM : ABHAY J. MANTRI, J.

DATE : 09th JUNE, 2026

PER COURT :

1. The Applicant has filed this Application seeking transfer of the proceeding bearing HMP No. 121/2024 pending before the learned Civil Judge Senior Division, Karad, to the learned Family Court, Parbhani and also transfer the Civil Application No.1/2025 filed under Section 7 of the Guardian and Wards Act, 1890, by the Respondent from the Additional Sessions Judge, Karad, to the District Court, Parbhani.

2. Heard the learned Advocate for both parties at length. Perused the Application, reply, rejoinder and record.

3. During the hearing of the Application, the learned Advocate for the Applicant submitted that he is not pressing the prayer

for transfer of the proceeding bearing HMP No. 121/2024 filed by the Respondent to the learned Family Court, Parbhani. His statement is accepted. In view of the statement, the prayer for the transfer of the said matter has been withdrawn.

4. At the outset, it appears that the parties are not disputing their marital status and the proceedings pending between them at Parbhani as well as Karad. It further reveals that the Applicant has filed a maintenance proceeding, an Application under the Domestic Violence Act and a proceeding under Section 498-A of the IPC before the learned Judicial Magistrate First Class, Parbhani, and the same are pending. Similarly, the Respondent has filed proceedings under Section 9 of the Hindu Marriage Act for restitution of conjugal rights, two other criminal proceedings, and proceedings under Section 7 of the Guardian and Wards Act; those proceedings are pending at Karad.

5. It further appears from the submissions of both parties that the Applicant is working in the TCS Company at Pune, and the Respondent is working as a Drug Inspector, Central Government, and he is presently posted at Bangalore. Undisputedly, the Respondent is not residing in Karad, where the proceedings are pending. Similarly, according to the Respondent's allegations, the Applicant is not residing in Parbhani. But, she is residing in Pune.

6. It is not in dispute that they have a seven-year-old daughter, and she is pursuing her education in Parbhani and residing there.

7. The Respondent has filed the proceeding under Section 7 of the Guardian and Wards Act for claiming custody of the minor daughter, and the same is pending at Karad. In my view, a daughter should not be forced to attend the Court in Karad between the parents' fight, which is more than 400 km away. If the proceeding under the Guardian and Wards Act is not transferred to Parbhani, then certainly, the daughter will have to endure hardship and sufferings, and to avoid the same, in my view, it would be appropriate to transfer the said proceeding from Karad to Parbhani, where, as per the contention of the Respondent, the daughter is residing.

8. Having considered the above facts and the law laid down by the Hon'ble Apex Court in N.C.V. Aishwarya Vs. A. S. Saravana Karthik Sha reported in AIR Online 2022 SC 1268, it would be appropriate to transfer the proceeding bearing Guardian & Wards Case No. 1/2025 pending before Additional District Judge, Karad, to the District Court, Parbhani to avoid the hardship and suffering caused to the daughter.

9. Consequently, the **Application is partly allowed in terms of prayer clause 'B-1'**.

10. Needless to clarify that, the prayer in prayer clause 'B' in respect of the transfer of HMP No. 121/2024 from Karad to Parbhani is not pressed/withdrawn, hence the same is not granted.

11. It is made clear that, if the Applicant applies to the learned Civil Judge Senior Division, Karad in HMP No.121/2024, to permit her to appear in the proceeding through online, then the learned Civil Judge Senior Division may consider her request positively and permit her to appear through online in the proceeding. In case the Applicant has to attend the proceeding in person at Karad, the Respondent has shown his readiness and willingness to pay her travel expenses upon her furnishing bus(travel) tickets and Rs. 1000/- towards the expenses.

12. In view of the above, the Application is disposed of.

[ABHAY J. MANTRI, J.]