



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 MISC.CIVIL APPLICATION NO. 207 OF 2024

AMRUTA W/O AMOL RAUT
VERSUS
AMOL S/O GANGADHARRAO RAUT

.....
Advocate for Applicant : Ms. Aishwarya Tanpure h/f. Gore Ravindra Vitthal
Advocate for Respondents : Mr. R. G. Nirmal
.....

CORAM : Y.G. KHOBRAGADE, J.
DATE : 17.01.2026

PC.:-

1. Heard Ms. Aishwarya Tanpure h/f. Mr. Ravindra Gore the learned counsel appearing for the applicant and Mr. R.G Nirmal the learned counsel appearing for the non-applicant at length.
2. By the present application, the applicant/wife is seeking transfer of HMP No.16/2024 from the file of the learned 2nd C.J.S.D., Parbhani to the file of learned Family Court, Jalna. The non-applicant husband has filed affidavit and strongly resisted the transfer of HMP No.16/2024 to the file of the Family Court, Jalna. The learned counsel appearing for the non-applicant canvassed that the present application for transfer is vague and no substantial grounds have been raised. The non-applicant is serving as a Clerk with Bank of Baroda at Selu Branch. So also, he is also having responsibility of his old

parents, who are suffering from various ailments due to which he is not able to travel from Parbhani to Jalna.

3. It is further contended that the applicant can travel from Jalna to Parbhani and as there are various trains running between these two places.

4. Needless to say that while exercising the powers under Section 24 of the C.P.C. the convenience, feasibility and transportation facilities of the female litigant is required to be considered. Nonetheless, the applicant/wife had filed Petition No. E-21/2024 before the Family Court, Jalna and prayed for maintenance. The non-applicant husband appeared in this matter and had filed his reply. Thereafter, the present non-applicant filed HMP No.16/2024 before the learned 2nd C.J.S.D., Parbhani and prayed for decree of divorce against the present applicant. Since the applicant being a lady is having no source of income and she is surviving at the mercy of non-applicant/husband on the basis of maintenance order passed by the learned Family Court, Jalna in 125 Cr.P.C. proceeding. Therefore, she cannot be again compelled to bear the additional monetary burden. Since the non-applicant is serving as a Clerk with Bank of Baroda, Selu Branch and is having transportation facilities to travel at Jalna from Selu. Therefore, the submissions canvassed on behalf of the present non-applicant is not acceptable to me and the proceeding bearing

HMP No.16/2024 is required to be withdrawn from the file of the learned 2nd C.J.S.D., Parbhai and is required to be transferred to the Family Court, Jalna.

5. In view of above discussion, I am inclined to grant the present application and proceed to pass the following order:

ORDER:

- i) MCA No.207/2024 is hereby allowed.
- ii) HMP No.16/2024 is hereby withdrawn from the file of learned 2nd CJSD, Parbhani and it is transferred to the file of learned Family Court, Jalna.
- iii) In case the non-applicant is unable to appear personally before the learned Family Court, Jalna in that event he is permitted to appear through video conferencing.

[Y.G. KHOBRAGADE, J.]