



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

MISC. CIVIL APPLICATION NO. 216 OF 2024

GAYATRI KAPIL CHAUDHARI

VERSUS

KAPIL JAYRAM CHAUDHARI

...

Advocate for Applicant : Mr. Harshal Prakash Randhir

Advocate for Respondent : Mr. Lalitkumar S. Mahajan

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CORAM : ABHAY J. MANTRI, J.

DATE : 09TH JUNE, 2026

PER COURT :

1. The Applicant seeks to transfer the divorce proceedings bearing HMP No. 12/2024, pending before the learned Civil Judge Senior Division, Dhule, to the learned Family Court, Jalgaon.
2. Heard the learned Advocate for both sides and perused the record.
3. At the outset, it appears that the parties are not disputing their marital status nor disputing the pendency of the proceedings in the concerned Court.
4. It further reveals that the Applicant has filed proceedings under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights and maintenance proceeding under Section 125 of the Code of Criminal Procedure, before the Family Court at Jalgaon and those

proceedings are pending and, therefore, she has moved this Application to transfer the divorce proceedings filed by the Respondent to the Family Court at Jalgaon, to avoid the multiplicity of the proceedings and inconvenience caused to the Applicant.

5. Although the Respondent strongly objected to the Application, he failed to file a reply, which itself leads to drawing an adverse inference that he has no grievance regarding the averments made in the application. Therefore, I do not find substance in his objection to the transfer of the matter from the Dhule Court to the Jalgaon Court.

6. On the other hand, having considered the above discussion and the fact that the Applicant has no source of income, and it is inconvenient for her to travel from Jalgaon to Dhule to attend the proceedings, which is approximately 100 kms away, she will have to endure hardship and sufferings. In the light of the above and in view of the law laid down in *Aishwarya Versus A.S. Sarvana Karthik Sha*, AIR Online 2022 SC 1268, it would be appropriate to transfer the proceedings bearing HMP No. 12/2024 from Dhule to Jalgaon to avoid the multiplicity of the proceedings and inconvenience caused to the Applicant.

7. Consequently, **the Application is allowed in terms of prayer clause 'B'.**

8. Inform the concerned Courts accordingly.
9. The Application is disposed of.

(ABHAY J. MANTRI, J.)

SPC