



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

914 MISC.CIVIL APPLICATION NO. 325 OF 2024

SAU. ROHINI VIPULKUMAR PAWAR

VERSUS

VIPULKUMAR SURESH PAWAR

....

Mr. M. G. Kochar, Advocate for the Applicant

Mr. Shivraj B. Kadu, Advocate for the Respondent

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CORAM : Y. G. KHOBRAGADE, J.

DATE : February 03, 2026

PER COURT :-

1. In view of the order dated 30.01.2025, the trained Mediator Advocate, Shri R. M. Deshmukh, submitted his report in a sealed envelope. In the presence of both counsel, the said envelope was opened and was found to contain a report of failed mediation. The said mediation report is taken on record and marked as Exhibit- "X" for identification. Both the parties do not want to settle the dispute.

2. Heard the learned counsel for the applicant and the learned counsel for the non-applicant.

3. By the present application under Section 24 of the Code of Civil Procedure, the applicant / wife is seeking transfer of H.M.P No.A-443 of 2024 from the file of learned Family Court at Nashik to the learned Family Court at Dhule.

4. Having regard to the submissions canvassed on behalf of both the parties, it prima facie appears that on 09.01.2022, the marriage between the applicant and the non-applicant was solemnized as per the Hindu rites and rituals at Nardana, District Dhule. However, subsequently, due to ill-treatment and harassment, the applicant / wife was compelled to stay at her parental house at Nardana, District Dhule.

5. The non-applicant / husband has filed H.M.P No.A-443 of 2024 before the Family Court at Nashik, seeking restitution of conjugal right. Therefore, due to financial crises and for want of support, the applicant / wife is unable to attend the proceeding before the learned Family Court, Nashik.

6. It is well settled principle of law that while considering the prayer for transfer of the proceeding from one Court to another,

the convenient of the wife/female is required to be taken and which is paramount object. Therefore, considering the facts and circumstances of the present case, I am of the view that the H.M.P. No.A-443 of 2024, needs to be withdrawn from the file of learned Family Court, Nashik and it is to be transferred to the Family Court Dhule, for adjudication. Accordingly, I proceed to pass the following order:-

ORDER

- (i) The Miscellaneous Civil Application is allowed.
- (ii) H. M. P. No.A-443 of 2024, pending on the file of learned Family Court, at Nashik, is hereby withdrawn and transferred to the file of learned Family Court at Dhule.
- (iii) The copy of this order be submitted to both the Courts.

[Y. G. KHOBRAGADE, J.]

SMS