



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 MISC.CIVIL APPLICATION NO. 105 OF 2025

Gitanjali Krushna Nagargoje

VERSUS

Krushna Rangnath Nagargoje

...

Mr. Nisargraj Babasaheb Garje, Advocate for Applicant

Mr. Andhale Sandip Ramnath, Adv. S. R. Andhale, Advocates for
Respondents

CORAM : Y. G. KHOBRADE, J.

Dated : 7th March, 2026

PER COURT :-

1. Heard learned counsel for the applicant and learned counsel for the non applicant at length.
2. On oral request, leave granted to correct prayer clause (B). Amendment be carried out within one week.
3. By the present application under section 24 of the Civil Procedure Code, the applicant-wife is seeking transfer of Marriage Petition No. 395 of 2023 pending on the file of the learned Civil Judge, Senior Division, Aurangabad to the file of learned Civil Judge, Senior Division, Ashiti District Beed.
4. The learned counsel appearing for the applicant canvassed that the marriage between the applicant and the non-applicant was solemnized on 29.05.2020 as per the customs and

rites prevailing in their society. Out out the wedlock, the applicant and non applicant are blessed with a female child on 22.09.2022. However, due to matrimonial discord, the applicant is residing at her parental house and she has lodged FIR No. 43 of 2025 against the non applicant and his relatives with Ashti Police Station District Beed on 21.01.2025. The applicant has also filed an application under section 144 of Bhartiya Nagarik Suraksha Sanhita, 2023 before the learned Judicial Magistrate, First Class, Ashti and prayed for maintenance for herself and for her minor child. However, subsequently, the present non applicant has filed Marriage Petition No. 395 of 2023 under Section 13-A of the Hindu Marriage Act seeking decree of dissolution of marriage and the said proceeding is pending on the file of the learned Civil Judge, Senior Division, Aurangabad. Since the applicant is residing at her parental house at village Bawi, Tq. Ashti, it is inconvenient for her to attend the said proceeding filed by the non applicant husband at Aurangabad.

5. The learned counsel for the non-applicant strongly resisted the application on the ground that the applicant has lodged an FIR on false and frivolous grounds and has started mentally torturing the family members of the non-applicant. Therefore, no option was left with the non-applicant but to file proceedings under Section 13-A of the Hindu Marriage Act. It was

further submitted that the applicant can very well attend the said proceedings at Aurangabad. Hence, he prayed for rejection of the application.

6. Having regard to the submissions canvassed on behalf of both the parties, I have gone through the record.

7. Admittedly, the marriage between the applicant and the non-applicant was solemnized on 29.05.2020 as per the customs and rites prevailing in their society. Out of the said wedlock, the applicant and the non-applicant are blessed with a female child, who is now aged about three and a half years. The applicant is residing in a small village, namely Bawi, Tq. Ashti, District Beed. If she is compelled to attend the proceedings at Aurangabad, she will have to travel from the said village to Aurangabad along with her minor child and will also be required to make arrangements for boarding and lodging at Aurangabad.

8. During the course of argument, the learned counsel appearing for the respective parties fairly disclosed that both the parties are ready and willing to settle the dispute through mediator and there is every possibility of amicable settlement of matrimonial dispute. Both the parties opt for mediation before the learned Civil Judge, Senior Division, Ashti after transfer of the petition.

9. In view of the said statement and considering the convenience of the applicant, it would be just and proper to withdraw the Marriage Petition No. 395 of 2023 from the file of learned Civil Judge, Aurangabad and transfer the same to the Court of learned Civil Judge, Civil Division, Ashti, Dist. Beed, with liberty to opt for mediation before the learned Civil Judge, Senior Division, Ashti.

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

ORDER

- (1) Misc. Civil application is allowed.
- (2) Marriage Petition No.393 of 2023, filed by the non applicant husband, pending on the file of the learned Civil Judge, senior Division, Aurangabad is hereby transferred to the Court of the learned Civil Judge, senior Division, Ashti Dist. Beed. for disposal in accordance with law.
- (3) The order be communicated to the concerned courts.

11. After the above order is dictated in open court in presence of learned counsel appearing for both sides, the learned counsel appearing for the non applicant submitted that the non applicant is ready and willing to settle the matrimonial dispute, if the parties are referred for mediation. The learned counsel appearing for the applicant submitted that, by order dated

20.11.2025, this Court had granted an opportunity to the parties to avail the remedy of mediation by approaching the Mediation Centre within a period of one week; however, the said opportunity was not availed. It is further canvassed that by this order, this court has also granted opportunity to the parties to avail remedy of mediation before the learned Civil Judge, Senior Division, Ashti District Beed on transfer of the marriage Petition. Hence, the prayer of the non applicant cannot be granted.

12. On 20.11.2025, this Court (Corum: Kishor C. Sant, J) passed following order.

"01. None for the applicant. Learned Advocate for the respondent informs that his client is ready to go for mediation.

02. If the parties are willing to go for mediation, they may approach the mediation center within one week from today.

03. Stand over to 11.12.2025 by way of last chance.

04. Interim relief to continue."

13. Today, after hearing both sides, the order is dictated in open court in presence of the counsel for both sides. While dictating the orders, the option of mediation is kept open for the parties on transfer of Marriage Petition No. 395 of 2023 before the learned Civil Judge, Senior Division, Ashti. Once the entire order is dictated in open Court in the presence of the

learned counsel for the respective parties, the same cannot be recalled. However, the applicant and the non-applicant shall be at liberty to express their intention for an amicable settlement through mediation before the learned Civil Judge, Senior Division, Ashti.

(Y. G. KHOBRADE, J.)

JPChavan