



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

926 MISC.CIVIL APPLICATION NO. 142 OF 2025

KIRTI VISHAL WAJAGE
VERSUS
VISHAL DEVIDAS WAJAGE

....

Ms Suvarna Milind Zaware, Advocate for the Applicant
Mr. M. K. Bhosale, Advocate for the Respondent

....

CORAM : Y. G. KHOBRAGADE, J.

DATE : January 20, 2026

PER COURT :-

1. Heard learned counsel for the applicant and the learned counsel for the non-applicant.
2. By the present application, the applicant prays for transfer of H.M.P. No.163 of 2024 from the file of learned Civil Judge, Senior Division, Khed, Pune to the file of learned Civil Judge, Senior Division, Ahmednagar.
3. During the course of argument, it has been canvassed that now, recently, the Court of Civil Judge, Senior Division, is established at Junnar and the proceeding H.M.P. No.163 of 2024 is already transferred to the file of learned Civil Judge, Senior Division, Junnar and it is re-numbered as H.M.P. No.254 of 2025.

4. The learned counsel for the applicant canvassed that, after discord of matrimonial relations between the applicant and the non-applicant, the applicant started residing at her parental house at Dhavale Mala, Nighoj, Taluka Parner, District Ahmednagar, so also, she has filed H.M.P No.16 of 2025, for decree of restitution of conjugal rights under Section 9 of the Hindu Marriage Act and the said proceeding is pending before the learned Civil Judge, Senior Division, Ahmednagar. However, the non-applicant / husband has filed H.M.P No.163 of 2023, seeking decree of divorce and the said proceeding is pending on the file of earlier C.J.S.D. Khed, Pune and now transferred to the file of learned C.J.S.D. Junnar and renumbered as H.M.P No.254 of 2025.

5. The non-applicant has filed reply and strongly resisted the application. The learned counsel for the non-applicant submits that the distance from Junnar to the parental village of the applicant is 68 kms and the distance between the Ahmednagar to parental village of the applicant is 66 kms. Therefore, the applicant can attend the proceeding before the Court at Junnar. Hence, prayed for dismissal of the application. In support of this submission, the learned counsel for the non-applicant, relied on the following case laws:-

- (i) Supriya Vs. Kamlesh, 2018(3) ALL MR 195;
- (ii) Mrs. Suwarna Nilesh Rode Vs. Mr. Nilesh Balkrishna Rode, 2022(1) ALL MR 295;
- (iii) Mrs Ketaki Prathamesh Salekar @ Mrs. Ketaki Ravindra Pawshe Vs. Prathamesh Ashok Salekar, 2021(2) ALL MR 66.

6. After going through all these three judgments, it appears that the facts of these three judgments are too different than the present case.

7. It is not in dispute that the applicant / wife has already instituted H.M.P No.16 of 2025 before the learned Civil Judge, Senior Division, Ahmednagar and prayed for decree of restitution of conjugal rights, whereas the non-applicant / husband has filed H.M.P No.163 of 2024, which was pending on the file of learned Civil Judge, Senior Division, Khed, but, subsequently the same is transferred to the learned Civil Judge, Senior Division, Junnar and it is re-numbered as H.M.P No.254 of 2025.

8. Admittedly, the applicant / wife is residing in the rural place and due to lack of transportation facilities, she is facing inconvenience to attend the Court at Junnar. Nonetheless, she is already attending H.M.P No.16 of 2025 before the learned Civil

Judge, Senior Division, at Ahmednagar. Therefore, if H.M.P No.254 of 2025 from the file of learned Civil Judge, Senior Division, Junnar, is transferred to the file of learned Civil Judge, Senior Division, Ahmednagar, no prejudice would be caused to the non-applicant as he is already attending one proceeding before the learned Civil Judge, Senior Division, Ahmednagar.

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

ORDER

- (i) The Miscellaneous Civil Application is allowed.
- (ii) The petition, Hindu Marriage Petition No. No.163 of 2024, which was pending on the file of learned Civil Judge, Senior Division, Khed, but, subsequently the same is transferred to the learned Civil Judge, Senior Division, Junnar and re-numbered as H.M.P No.254 of 2025 is hereby withdrawn and transferred to the file of learned Civil Judge, Senior Division, Ahmednagar.
- (iii) The copy of this order be submitted to both the Courts.

[Y. G. KHOBRAGADE, J.]