



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

922 MISC.CIVIL APPLICATION NO. 212 OF 2025

YASMIN WASEEM SHAIKH

VERSUS

SHAIKH WASEEM SHAIKH ISMAIL

....

Mr. Shaikh Mudassir Abdul Hamid, Advocate for the Applicant

Mr. N. S. Shah, Advocate for the Respondent

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CORAM : Y. G. KHOBRAGADE, J.

DATE : February 18, 2026

PER COURT :-

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

2. By the present application, the applicant / wife is seeking transfer of A-Petition No.82 of 2025, from the file of learned Family Court, Jalna to the learned Family Court, Aurangabad.

3. Initially, vide order dated 07.11.2025, both the parties were referred to the mediation, however the mediation is failed as per the mediation report dated 13.01.2026. Accordingly, it is heard on merit.

4. The present non-applicant is a practicing lawyer at District and Sessions Court, Aurangabad, as well as before this High Court, though his residence is shown as Millat Nagar, Jalna as per the address provided by him in A-Petition No.82 of 2025. It is not in dispute that on 03.11.2024, the marriage between the applicant and the non-applicant was solemnized as per the Muslim customs and rites at Baijipura Galli No.31, Chhatrapati Sambhajnagar. It is also not in dispute that it is a second/third marriage of the applicant and third marriage of the non-applicant, filed A-Petition No.82 of 2025 and pleaded that it is their second marriage and the present applicant/wife is having a son, namely Hamja, aged about 7 years from her first marriage. The marital relations between the present applicant and the non-applicant is still in existence. However, subsequently, some differences are arises due to some behavior and act of each other. Therefore, with effect from 24.02.2025, she was compelled to stay at her parental house. Thereafter, the non-applicant has filed A-Petition No.82 of 2025 before the Family Court at Jalna, seeking decree of restitution of conjugal rights.

5. Needless to say that the present applicant / wife is residing at Aurangabad and she is having 7 years minor child.

Therefore, it would not be just and proper as well as convenient to the applicant to attend the proceeding at Jalna by travelling with her minor child. Since the applicant is a practicing lawyer before this High Court as well as before the learned District and Sessions Court, Aurangabad, therefore it would be convenient for him to attend the said proceeding. Therefore, considering the peculiar facts and circumstances of the case, it is necessary to withdraw A-Petition No.82 of 2025 from the file of learned Family Court, Jalna and to transfer the same to the learned Family Court at Aurangabad. Therefore, the application deserves to be allowed. Hence, I proceed to pass the following order:-

ORDER

- (i) The Miscellaneous Civil Application is allowed.
- (ii) A-Petition No. 82 of 2025 is hereby withdrawn from the file of learned Family Court, Jalna and it is transferred to the file of learned Family Court at Aurangabad.
- (iii) This order be communicated to both the Courts.

[Y. G. KHOBRAGADE, J.]

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