



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

926 MISC.CIVIL APPLICATION NO. 225 OF 2025

**ALMAS BANO SHAIKH HUJUR
VERSUS
SHAIKH HUJUR SHAIKH LALU**

....

Mr. Bhushan Dhawale, Advocate for the Applicant
Mr. Yogesh K. Bobade, Advocate for the Respondent

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CORAM : Y. G. KHOBRAGADE, J.

DATE : February 25, 2026

PER COURT :-

1. Heard the learned counsel for the appellant and the learned counsel for the non-applicant.
2. By the present application, the applicant / wife is seeking transfer of R.C.S. No.875 of 2023, from the file of learned Civil Judge, Senior Division, Aurangabad, to the file of learned Civil Judge, Senior Division, at Parbhani.
3. Having regard to the submissions canvassed on behalf of both the sides, I have gone through the record. It is not in

dispute that on 21.05.2023, the marriage between the applicant and the non-applicant was solemnized at Jintur as per the customs and rites prevailing in the Muslim community. After the marriage, the applicant cohabited with the non-applicant.

4. Initially, the non-applicant nicely treated the applicant. Later on, she was subjected cruelty and raised domestic violence for non fulfillment of illegal demand of dowry. Hence, she took shelter with her parents at Jintur, District Parbhani. Thereafter, she filed Criminal Misc. Application No. 425 of 2023 under Section 125 of Cr.P.C. and claimed for maintenance. Further, the applicant has filed proceeding under the Protection of Women from Domestic Violence Act, vide PWDVA No.37 of 2023 and the said proceeding is pending on the file of learned J.M.F.C. Jintur, District Parbhani. The present non-applicant is attending the said proceeding. Not only this, Crime No.334 of 2023 is also registered against the present non-applicant with Jintur Police Station for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of I.P.C., and after filing of charge-sheet, it is registered as R.C.C. No. 350 of 2023 and it is pending on the file of learned J.M.F.C., Jintur. However, the non-applicant has filed R.C.S. No.875 of 2023 before the learned Civil

Judge, Senior Division, Aurangabad and prayed for decree of restitution of conjugal rights. However, the said proceeding is pending for recording of evidence.

5. Since the non-applicant is already attending three proceedings before the learned J.M.F.C. Jintur, therefore, he can also prosecute with R.C.S. No.875 of 2023, which has been filed by him before the learned Civil Judge, Senior Division, Aurangabad, if it is transferred to the Court of learned Civil Judge Senior Division, Parbhani. Therefore, considering the law laid down by the Hon'ble Supreme Court in *N.C.V Aishwarya v. A.S. Saravana Karthik Sha (Civil Appeal No. 4894 of 2022)*, by order dated 18/07/2022, I am of the view that the present application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- (i) The Miscellaneous Civil Application is allowed.
- (ii) The proceedings of R.C.S. No.875 of 2023, pending on the file of learned Civil Judge, Senior Division, Aurangabad is hereby withdrawn and transferred to the

file of learned Civil Judge, Senior Division, Parbhani, for appropriate decision.

- (iii) This order be communicated to both the Courts.

[Y. G. KHOBRAGADE, J.]

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