

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

910 MISC. CIVIL APPLICATION NO. 229 OF 2025

SOW MANISHA ALIAS PRITEE W/O PREMSANDES DHAVASE
VERSUS
PREMSANDESH S/O BHANUDAS DHAVASE

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Advocate for Applicant : Mr. Pahilwan Gautam Janardan and Mr.
Kharate Gajanan Tukaram

Advocate for Respondent : Mr. Anand Chawre and Ms. Vandana Chawre

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CORAM : Y.G. KHOBRAGADE, J.
DATE : 16.01.2026

PER COURT :

1. Heard the learned Counsel Mr. Pahilwan, appearing for the applicant-wife and Mr. Chawre, learned Counsel appearing for the respondent husband.
2. By the present application, the applicant-wife seeking transfer of Hindu Marriage Petition No. A-1873 of 2023, from the file of learned Family Court, Pune to the file of learned Additional Civil Judge, Senior Division and Id. Additional Chief Judicial Magistrate, Hingoli, for disposal in accordance with the law.
3. The learned Counsel appearing for the applicant, canvassed that on 15.04.2012, the marriage between the Applicant and the Non-Applicant was solemnized as per their customs and rites prevailing in their society. Out of the aforesaid wedlock they blessed with two issues.

However, due to continuous harassment and physical ill-treatment, on account of delivering of two daughters and demand of dowry the applicant was ill treated at the hands of the Non-Applicant. Therefore, the circumstances are compelled her to stay at her parental house. Thereafter, she filed a Criminal Misc. Application bearing No. 44 of 2025 and it is pending on the file of learned Judicial Magistrate, First Class, Hingoli. So also the charge-sheet came to be filed in Crime No. 313 of 2023, against the present non applicant for the offence punishable under Sections 498(A),323,504,506 r/w 34 of the Indian Penal Code, on the report lodged by the applicant, which is registered as RCC No. 36 of 2024 and is pending on the file of learned Judicial Magistrate, First Class, Shenggaon, Tq. Hingoli. However, the non-applicant has filed a petition, bearing No. A-1873 of 2023 before the Family Court, Pune and prayed for dissolution of marriage and custody of the minors.

4. The applicant-wife being the female, having no source of income, she is also unable to travel 600 k.m. away from Hingoli to Pune to attend the said proceedings, whereas, other proceedings are pending before the Competent Court at Hingoli, hence she prayed for transfer of the proceeding bearing No. A-1873 of 2023 to the file of learned Civil Judge, Senior Division, Hingoli from the Family Court, Pune.

5. Per Contra, learned Counsel appearing for the applicant canvassed that, the applicant has filed three different proceedings out of the which one proceeding bearing RCC No. 36 of 2024 is pending on the

file of Judicial Magistrate, First Class, Shengaon, District Hingoli, for the offence punishable under Section 498-A, 323, 504, 506, read with Section 34 of the Indian Penal Code. So also the applicant has filed PWDVA No. 71 of 2023 and it is pending on the file of learned Judicial Magistrate, First Class, Hingoli and another Criminal Misc. Application bearing No. 44 of 2025, it is pending on the file of Judicial Magistrate, First Class, Hingoli and therefore, she prays for transfer of RCC No. 36 of 2024 from the file of Judicial Magistrate, First Class, Sengaon to the file of learned Judicial Magistrate, First Class, Hingoli and prayed that all other proceedings be transferred to the Court of learned Additional Civil Judge, Senior Division and Additional Chief Judicial Magistrate, Hingloi, so that all these matters can be tried and decided together and to avoid inconvenience to the other parties.

6. Needless to say that the Crime No. 313 of 2023 is registered against the present Non Applicant with Goregaon Police Station District Hingoli, which comes within the jurisdiction of Sangaon, therefore the said matters cannot be transferred to the Additional Civil Judge Senior Division and Additional Chief Judicial Magistrate, Hingoli, which may cause inconvenience to the witnesses and the Investigating Officer.

7. As per the record, two proceedings i.e. PWDVA 71 of 2023 and Criminal Misc. Application No. 44 of 2025 are pending on the file of learned Judicial Magistrate, First Class -1, Hingoli. The applicant has contended that her husband non applicant has filed a petition bearing

No. A-1873 of 2023 seeking a decree of divorce and the custody of the minors, but as she being the female having no source of income incurred for traveling expenses and residential purposes at Pune, if she would have to attend the said proceedings. The Non-Applicant is already attending two proceedings before the learned Judicial Magistrate, First Class, Hingoli. Therefore, if the petition bearing No. A-1873 of 2023 is withdrawn from the file of learned Family Court, Pune if it is transferred to the file of learned Civil Judge, Senior Division, Hingoli, in that event no prejudice would be caused to the present non Applicant.

8. The learned Counsel appearing for the Non Applicant canvassed that the Additional Civil Judge, Senior Division and the Additional Chief Judicial Magistrate, Hingoli is having power to conduct the trial pertaining to the Hindu Marriage petition, including the decree of divorce and custody of the child as well as, the proceeding under the PWDVA Act filed under Section 144 of the BNSS. Therefore, it will be just and proper to withdraw the petition bearing No. A-1872 of 2023 from the file of learned Family Court, Pune and transfer it to the file of learned Additional Civil Judge, Senior Division, and Id. Additional Chief Judicial Magistrate, Hingoli. So also the proceeding under the PWDVA No. 71 of 2023 and Criminal Misc. Application No. 44 of 2025 needs to be transferred to the Additional Civil Judge, Senior Division and Id. Additional Chief Judicial Magistrate, Hingoli from the file of learned Judicial Magistrate, First Class, Sengaon, Tq. Hingoli.

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

ORDER

(i) The Petition A-1872 of 2023 is hereby withdrawn from the file of the learned Family Court, Pune and it is transferred to the file of learned Additional Civil Judge, Senior Division and Id. Additional Chief Judicial Magistrate, Hingoli.

(ii) The proceeding bearing No. PWDVA 71 of 2023 and the Criminal Misc. Application No. 44 of 2025 and RCC No. 36 of 2024 are hereby withdrawn from the file of Judicial Magistrate First Class, Hingoli and it is transferred to the file of learned Additional Civil Judge, Senior Division and Id. Additional Chief Judicial Magistrate, Hingoli to decide the matters together.

(iii) In view of the above, the Misc. Civil Application is allowed and disposed of.

(iv) This order be communicated to the Concerned Courts.

(Y.G. KHOBRAGADE, J.)