



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 MISC.CIVIL APPLICATION NO. 266 OF 2025

Mahesh Hemant Chavan

VERSUS

The State Of Maharashtra And Others

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Mr. Chudiwal Niraj Pradeep, Advocate for Applicant

Mr. S. S. Dande, AGP for Respondents State

Mr. Raviraj T. Wakale, Advocate for Respondent Nos.2 to 4

CORAM : Y. G. KHOBRADE, J.

Dated : 30th January, 2026

PER COURT :-

1. Heard learned counsel appearing for the applicant and learned counsel for respondent Nos. 2 to 4.

2. By the present application under section 24 of the Civil Procedure Code, the applicant husband prayed for transfer of matrimonial proceedings bearing Petition E No. 159 of 2025 and Petition-A No.195 of 2025 from the file of learned Family Court, Aurangabad to the Family Court at Pune.

3. On the face of the record, it appears that the marriage between the applicant and non-applicant No.2 was solemnized on 19.05.2005 at Aurangabad, in accordance with the customs and rites prevailing in their society. It is also not in dispute that out of the said wedlock, the applicant and non-applicant No.2 are blessed with two children, namely non-applicant Nos. 3 and 4, aged about 16 and 12 years respectively.

4. Needless to state that, due to differences of opinion and matrimonial discord between the applicant and non-applicant No.2, non-applicant No.2 filed Petition E No.159 of 2025 seeking a decree of maintenance for herself and non-applicant Nos. 3 and 4. Further, non-applicant No.2 also filed Petition-A No.195 of 2025 before the learned Family Court, Aurangabad, seeking a decree for dissolution of marriage.

5. Learned counsel appearing for the applicant contended that, while filing Petition E No.159 of 2025 and Petition-A No.195 of 2025, the non-applicant has mentioned her address as “190, Pratiksha Villa, near Wagheshwar Temple, Wagholi, Taluka Haveli, District Pune,” as well as an address at Aurangabad. The applicant has filed an additional affidavit stating that the non-applicant has lodged four FIRs against the applicant, and that while lodging the said four FIRs, the non-applicant-wife furnished her address as “Panchshil Tower, Kharadi, Pune. Particulars of the said FIRs are as follows:

- (1) Crime No.597 of 2018 registered with with Lonikand Police Station, Pune, for the offence punishable under sections 498-A, 323, 504, 506 and 34 of Indian Penal Code.
- (2) Crime No.320 of 2018 registered with with Kondhwa Police Station, Pune, for the offence punishable under sections 363, 368, 343 and 34 of Indian Penal Code.
- (3) Crime No.93 of 2021 registered with Lonikand Police Station, Pune, for the offence punishable under sections 377, 504 and 506 of Indian Penal Code.
- (4) Crime No. 118 of 2025 registered with with Lonikand Police Station, Pune, for the offence punishable under sections 67, 352 and 351 (2) of the Bharitya Nyaya Sanhita.

6. The learned counsel for the applicant further canvassed that Non applicant Nos. 3 and 4 are their minor children studying in Victorious Kidss Education Private Ltd., Nagar Road, Kharadi, Pune. To substantiate the said contention, the applicant has produced bonafide certificates of Master Ahaan Chavan and Master Aishni Chavan certifying that both the children are studying in the said school. The applicant has produced Adhar Card of the non applicant which reflects the address of the non applicant wife at Pune City.

7. The learned counsel for the applicant further canvassed that earlier, the applicant had filed M.C. No. 213 of 2018 before the Family Court at Belagavi Karnataka. However, the non applicant wife filed Transfer Petition (Civil) No. 1567 of 2018 before the Hon'ble Supreme Court seeking transfer of the said proceeding from the file of the learned Family Court at Belagavi, Karnataka to the Family Court at Pune, Maharashtra. On 04.06.2020, the Hon'ble Supreme Court transferred the said proceedings from the file of the learned Family Court at Belagavi, Karnataka to the Family Court at Pune, Maharashtra. Therefore, it appears that though the non applicant is residing at Pune, she has filed Matrimonial proceedings at Aurangabad with an intention to harass the applicant-husband.

8. Per contra, the learned counsel appearing for the non applicant Nos. 2 to 4 filed affidavit in reply and resisted the transfer of the proceedings from the Family Court, Aurangabad to Family Court, Pune. The non applicant-wife denied all the contentions raised by the applicant husband. The learned counsel for the non-applicant canvassed that at the time of filing of Petition E No. 159 of 2025 and

Petition-A No.195 of 2025 at Aurangabad, the non applicant-wife was residing within the jurisdiction of Family Court, Aurangabad. Therefore, there is no need to transfer the said proceeding from the learned Family Court, Aurangabad to the learned Family Court at Pune.

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

10. In order to demonstrate that non applicant nos. 3 and 4 minor children are residing and studying at Pune within the jurisdiction of Family Court, Pune, the applicant has filed bonafide certificates issued by the Victorious Kidss Education Private Ltd., Nagar Road, Kharadi, Pune. The applicant has also produced Adhar Card, so also Udyam Registration Certificate issued by Ministry of Micro, Small and Medium Enterprises, in respect of manufacturing all types of textile garment and clothing accessories. The Applicant has also produced the licence issued under the Maharashtra Shops and Establishment Act, 2018 for running the the said business at R. H. No. 192, Gat No. 1420, Pratiksha Villas, Near Waghshwar Temple, Wagholi, Haveli, Pune 412207, wherein, the name of employer is shown as Shital Mahesh Chavan i.e. present non applicant no.2.

11. Further, while lodging the above four FIRs, the non applicant has disclosed her address as B-404, Panchshil Tower, Kharadi, Pune. Therefore, it prima facie appears that the non applicant is staying at Pune within the jurisdiction of Family Court, Pune alongwith Non applicant Nos. 3 and 4. The present applicant is also residing at Pune. However, non applicant No.2 has instituted both the matrimonial proceedings i.e. Petition E No. 159 of 2025 and Petition-A No.195 of

2025 before the learned Family Court, Aurangabad, just to harass and mentally torture the applicant. Therefore, considering the contentions of both the parties, it would be just and proper to withdraw the matrimonial proceedings bearing Petition E No. 159 of 2025 and Petition-A No.195 of 2025 from the file of learned Family Court, Aurangabad and transfer the same to the Family Court at Pune.

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

ORDER

- (1) Misc. Civil application is allowed.
- (2) Petition-E No. 159 of 2025 and Petition-A No.195 of 2025 (Shital Chavan Vs. Mahesh Chavan) pending on the file of learned Family Court, Aurangabad are hereby transferred to the file of learned Family Court at Pune, for disposal in accordance with law.
- (3) The order be communicated to the concerned courts.

(Y. G. KHOBRAGADE, J.)

JPChavan