



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

19 MISC.CIVIL APPLICATION NO. 297 OF 2025

**SONALI RAJESH KHANDARE
VERSUS
RAJESH GAUTTAM KHANDARE**

.....
Advocate for Applicant : Ms. Aarti Gadge h/f. Dhananjay Manikrao Shinde
Advocate for Respondents : Mr. Parghane Madhukar M.
.....

**CORAM : Y.G. KHOBRAGADE, J.
DATE : 12.01.2026**

PC.:-

1. Heard the learned counsel appearing for the applicant and Mr. Parghane the learned counsel appearing for the non-applicant at length.
2. By the present application under Section 24 of C.P.C., the present applicant/wife prayed for transfer of HMP No.62/2023 (Rajesh Gautam Khandare V/s. Sonali Rajesh Khandare) from the file of the learned CJSD, Parbhani to the Court of learned Family Court, Nanded. According to the plaintiff, she is residing at her matrimonial house at Nanded and her husband/non-applicant has filed HMP No.62/2023 before the learned CJSD, Parbhani seeking decree of divorce, whereas, the applicant/wife has filed FIR No.441/2023 registered with Vazirabad Police Station, Nanded against the non-applicant/husband and her in laws for the offence punishable under

Section 498-A, 323, 504, 506 read with Section 34 of the I.P.C. After filing of the charge-sheet it is registered as RCC No.491/2024. So also, the applicant/husband has also filed Petition E-152/2023 under Section 125 of the Cr.P.C. before the learned Family Court, Nanded. Therefore, in order to avoid traveling alone the applicant/wife has filed the present application.

3. Per contra, the learned counsel appearing for the non-applicant canvassed that the non-applicant is ready and willing to pay the traveling expenses. The distance between Parbhani and Nanded is about 73 kms. Therefore, no inconvenience would be caused to the present applicant/wife. Hence, prayed for dismissal of the application.

4. Needless to say that in case of Sunita Pande V/s. Baliram Pande; 2012 1 All MR 684, it has been held that convenience of the wife in matrimonial proceedings is required to be taken into consideration while transferring the proceeding. In the case in hand, it *prima facie* appears that the applicant/wife is staying with her parents at Nanded within the jurisdiction of Family Court, Nanded, so also, another proceeding bearing no.152/23 filed under Section 125 of the Cr.P.C. is pending on the file of the learned Family Court, Nanded and the non-applicant/husband is attending the said proceeding. Therefore, no prejudice would be caused to the non-applicant if he attends the Family Court proceeding i.e. HMP No.62/2023 before the

Family Court at Nanded, if it is transferred from the file of learned CJSD, Parbhani.

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

ORDER:

- i) MCA No.297/2025 is hereby allowed.
- ii) HMP No.62/2023 (Rajesh Gautam Khandare V/s. Sonali Rajesh Khandare) is hereby withdrawn from the file of the learned CJSD, Parbhani and is forthwith transferred to the file of learned Family Court, Nanded for adjudication.
- iii) The order of this Court be communicated to the learned CJSD, Parbhani as well as to the Family Court, Nanded.

[Y.G. KHOBRADE, J.]