



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

936 MISC.CIVIL APPLICATION NO. 302 OF 2025

**RICHA ANKUSH SHARMA
VERSUS
ANKUSH PUNAMCHAND SHARMA**

.....
Advocate for Applicant : Mr. Pandurang Shripati Pawar
Advocate for the Respondent : Mr. Madhav M. Bhokarikar
.....

**CORAM : Y.G. KHOBRAGADE, J.
DATE : 02.04.2026**

PC.:-

1. Heard Mr. Pawar the learned counsel appearing for the applicant and Mr. Bhokarikar the learned counsel appearing for the non-applicant at length.
2. By the present application under Section 24 of the CPC, the applicant/wife is seeking transfer of matrimonial proceeding bearing HMP No.193/2025 from the file of learned C.J.S.D., Amalner to the file of learned Family Court, Aurangabad.
3. It is not in dispute that, on 11.12.2017 the marriage between the applicant and non-applicant was solemnized as per the customs and rites prevailing in their society. Out of wedlock they are blessed with female child

Shweta who is now aged about 6 years and presently staying with the applicant/wife. It is also not in dispute that, due to marital discord the non-applicant/husband has filed matrimonial proceeding bearing HMP No.193/2025 under Section 13 (1)(a) of the Hindu Marriage Act and prayed for decree of divorce on the ground that the applicant/wife left his company on 15.11.2020 after he brought her back from the parental house in the month of July -2020 and since then she has withdrawn his company.

4. No doubt, the non-applicant/husband has filed reply and strongly raised objection for transfer of the petition on the ground that the conduct of the present applicant is nothing but to abuse the process of law and he is suffering from financial loss caused in the earlier round of litigation though he has filed proceeding for restitution of conjugal rights but the applicant/wife has not appeared in the said proceeding. However, it is submitted that the non-applicant/husband has not denied that the applicant is nurturing the six year old daughter and the applicant is residing at her parental house within the jurisdiction of Family Court, Aurangabad. Therefore, considering the law laid down in the case of **N.C.V. Aishwarya V/s. A.S. Saravana Kartik Sha; 2022 SCC OnLine SC 1199**, it would be just and proper to withdraw the matrimonial proceeding bearing HMP No.193/2025 from the file of learned C.J.S.D., Amalner and to transfer the same to the file of the learned Family

Court, Aurangabad (Ch. Sambjhajinagar) for proper disposal.

5. In view of above, I proceed to pass the following order:

ORDER:

- i. MCA No.302/2025 is allowed.
- ii. HMP No.A-193/2025 is hereby withdrawn from the file of C.J.S.D., Amalner and it is transferred to the file of Family Court, Aurangabad (Ch. Sambjhajinagar).
- iii. The non-applicant/husband is permitted to appear through the video conferencing in case he is unable to personally remain present before the Family Court, Aurangabad except on the dates of the oral evidence.
- iv. This order be communicated to both the Courts below.

[Y.G. KHOBRADE, J.]