



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

53 MISC.CIVIL APPLICATION NO. 305 OF 2025

Sangeeta Govind Manpade

VERSUS

Govind Baburao Manpade

...

Mr. Yuvraj Baburao Gaikwad, Advocate for Applicant

Mr. P. V. Salve h/for Mr. D. A. Madke, Advocate for Respondent

CORAM : Y. G. KHOBRADE, J.

Dated : 19th January, 2026

PER COURT :-

1. Heard learned counsel for the applicant and learned counsel for the non applicant.
2. By the present application under section 24 of the Civil Procedure Code, the applicant wife is seeking transfer of matrimonial proceeding bearing Petition No. A-2619/2024 (Govind Manpade Vs. Sangeeta Manpade), pending on the file of the learned Family Court, Bandra, Mumbai to the file of learned Family Court at Latur.
3. On the face of record, it appears that the marriage between the applicant and the non-applicant was solemnized on 10.05.2008 as per the customs and rites prevailing in their society. There is no issue out of the wedlock. However, due to matrimonial discord, the applicant is residing at her parental house in at Aurad (Shah) Tq. Nilanga Dist. Latur and she has filed a proceeding bearing PWDVA No.

3 of 2022 before the JMFC, Nilanga. Whereas, the present non applicant has filed Petition No. A-2619/2024, before the learned Family Court, Bandra under section 9 of Hindu Marriage Act seeking Restitution of Conjugal Rights. The applicant canvassed that she being a lady, she is unable to travel from the place like village Aurad (Shah) Tq. Nilanga Dist. Latur to Bandra, Mumbai, so also, she has no boarding/lodging facility at Mumbai, therefore she prays for transfer of the said proceeding to Latur.

4. The learned counsel appearing for the non-applicant has filed a reply and has strongly opposed the application. The learned counsel for the non-applicant submits that the non-applicant is suffering from mental epilepsy and, therefore, is unable to travel from Mumbai to Latur. Hence, he prays for dismissal of the application.

5. Considering the law laid down in the case of **Sumita Singh vs Kumar Sanjay And Anr, 2001 (10) SCC 41**, while transferring proceedings from one court to another, the convenience of the lady is a paramount consideration. Therefore, considering the nature of dispute and convenience of the applicant- lady, it would be just and proper to withdraw Petition No. A-2619/2024 (Govind Manpade Vs. Sangeeta Manpade), pending on the file of the learned Family Court, Bandra, Mumbai and transfer the same to the file of learned Family Court, Bandra, Mumbai, for disposal in accordance with law.

6. Needless to say that nowadays, video conferencing facilities are available in almost all courts. Therefore, if the non-applicant has epilepsy problem or for any other reason is unable to remain personally present before the Family Court, Latur, in that event, he may secure his presence through video conferencing. However, he will have to personally appear before the family court at Latur for giving oral evidence.

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

ORDER

- (1) Misc. Civil application is allowed.
- (2) Petition No. A-2619/2024 pending on the file of learned Family Court, Bandra, Mumbai is hereby transferred to the file of to the file of learned Family Court, Latur, for disposal in accordance with law.
- (3) Non applicant is permitted to appear before the family court, Latur through V.C. except on the date of his evidence and cross examination.
- (3) The order be communicated to the concerned courts.

(Y. G. KHOBRAGADE, J.)