



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

931 MISC.CIVIL APPLICATION NO. 328 OF 2025

MONIKA WO NITIN USHIR
VERSUS
NITIN BHAGWAN USHIR

...
Advocate for Applicant : Mr. Rahil Riyajoddin Kazi
Advocate for Respondent : Mr. Kedar Balbhim R.
...

CORAM : Y.G. KHOBRADE, J.
DATE : 26.02.2026

PER COURT :

1. Heard the learned counsel for both the parties.
2. By the present application, filed under Sections 24 of the Civil Procedure Code, 1908, the applicant-wife is seeking transfer of Hindu Marriage Petition No. 346 of 2025, from the file of learned Civil Judge Senior Division, Bhusawal, to the file of learned Civil Judge Senior Division Nandurbar, District Nandurbar.
3. It is a matter of record that on 06.05.2018, the marriage between the applicant and the non applicant was solemnized at Bhusawal, as per the customs and rites of Buddhist community. Out of the said matrimonial relation, the applicant and the non applicant are blessed with three children aged about 5 years, 3 years and 1 year.
4. The non applicant has filed reply and strongly resisted the application.

5. All three minor children are staying with their applicant-mother. It further appears that in the earlier round of litigation the applicant had filed two proceedings bearing Criminal M.A. No. 269 of 2021 under the Protection of Women from the Domestic Violence Act against the present non applicant before the learned Judicial Magistrate First, Nandurbar and another proceeding bearing Criminal M.A. No. 267 of 2021 filed under Section 125 of Code of Criminal Procedure, 1973 seeking maintenance before the Judicial Magistrate First Class, Nandurbar. Subsequently, the applicant and non applicant entered into compromise dated 30.05.2022 and in pursuance to the compromise the present applicant had withdrawn Criminal M.A. No. 269 of 2021 and Criminal M.A. No. 267 of 2021 and thereafter, the applicant co-habited with the non applicant. However, again the matrimonial relations between the applicant and the non applicant became strain. Therefore, the present applicant had again filed Criminal M.A. No. 373 of 2025 before the Judicial Magistrate First Class, Nandurbar under the provisions of the Protection of Women from Domestic Violence Act and Criminal M.A. No. 374 of 2025, before the Judicial Magistrate First Class, Nandurbar under Section 144 of the Bhartiya Nyaya Sanhita (Old Section 125 of the Code of Criminal Procedure, 1973). However, the present non applicant has filed a Hindu Marriage Petition No. 346 of 2025, seeking a decree of divorce before the learned Civil Judge Senior Division, Bhusawal. The distance between the Bhusawal and Nandurbar is 230 to 240 k.m. The applicant is maintaining three minor children

and if she compelled to attend the proceedings of Hindu Marriage Petition No. 346 of 2025, before the learned Civil Judge Senior Division, Bhusawal, in that event she would cause inconvenience to travel from Nandurbar to Bhusawal, with her three minor children, which is not just and convenient for her. Therefore, considering the law laid down in the case of N.C.V. Aishwarya Vs. A.S. Saravana Kartik Sha (Civil Appeal No. 4894 of 2022) by order dated 18.07.2022. Therefore, it is necessary to withdraw the Hindu Marriage Petition No. 346 of 2025, from the file of learned Civil Judge Senior Division, Bhusawal and it transferred to the file of learned Civil Judge Senior Division, Nandurbar for just decision. In view of the above, I proceed to pass following order :

ORDER

- (i) The application is allowed.
- (ii) The Hindu Marriage Petition No. 346 of 2025, is hereby withdrawn from the file of learned Civil Judge Senior Division, Bhusawal and it is transferred to the file of learned Civil Judge Senior Division, Nandurbar for trial and decision in accordance with the law.
- (iii) This order be communicated to both the Courts.

(Y.G. KHOBRAGADE, J.)