



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

932 MISC.CIVIL APPLICATION NO. 361 OF 2025

**BHAGYASHREE W/O. POPAT AVHAD @ BHAGYASHREE D/O
KUNDALIK KHEDKAR**

VERSUS

POPAT S/O NARAYAN AVHAD

....

Mr. Kushal Kabra h/f Mr. B. S. Choure, Advocate for Applicant
(through VC)

Mr. Vilas P. Savant, Advocate for the Respondent

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CORAM : Y. G. KHOBRAGADE, J.

DATE : February 25, 2026

PER COURT :-

1. Heard the learned counsel for the applicant and the learned counsel for the non-applicant.

2. Since the matrimonial dispute is arises in the present application, the inquiry was made with the learned counsel for the applicant and the non-applicant, about settlement of the matrimonial dispute through the mediator. The learned counsel for the applicant made a statement that the applicant is ready and willing to co for the mediation, however, on instructions, the

learned counsel for the non-applicant made a statement that the non-applicant is not ready and willing to go for the mediation. Therefore, it is heard finally and being decided.

3. By the present application under Section 24 of the Code of Civil Procedure, the present applicant / wife prays for transfer of H.M.P No.1300 of 2025 from the file of learned Civil Judge, Senior Division, Pune to the file of learned Civil Judge, Senior Division, Chhatrapati Sambhajnagar (Aurangabad) for proper adjudication.

4. The learned counsel for the applicant canvassed that on 01.05.2016, the marriage between the applicant and the non-applicant was solemnized as per the customs and rites prevailing in their society at Indravati Mangal Karyalaya, Paithan. After the marriage, the applicant cohabited with the non-applicant in the joint family. Out of the said matrimonial relations, on 30.03.2018, she gave birth to a female child 'Pranjal' and thereafter, she was mentally and physically harassed on account of giving birth to the female child. It is further alleged that the non-applicant also raised doubt about her chastity. Ultimately, she was driven out from her matrimonial house and compelled her to stay at her parental house. Thereafter, she filed

a proceeding bearing PWDVA No.10 of 2025 before the learned Judicial Magistrate, First Class, Paithan and the non-applicant is attending the said proceeding. However, the non-applicant has filed Marriage Petition No.1300 of 2025 under Section 13(1)(i-a) of the Hindu Marriage Act before the learned Civil Judge, Senior Division, Pune and prayed for decree of dissolution of marriage. She being a female, having no source of income and for want of transportation facilities from Paithan to Pune, inconvenience caused to her to attend the proceeding filed by the non-applicant at Pune, hence prayed for transfer of the said proceeding at Chhatrapati Sambhajinagar (Aurangabad).

5. The learned counsel for the non-applicant / husband submits that due to behaviour and conduct of the applicant, the non-applicant actually subjected mental cruelty and the daughter Pranjal, aged about 8 years, is residing with the non-applicant. So also, old aged parents are dependent upon the non-applicant, therefore, if the non-applicant is compelled to attend the proceeding at Chhatrapati Sambhajinagar (Aurangabad), in that event, more inconvenience would cause to the non-applicant, hence prayed for rejection of the application.

6. Needless to say that the non-applicant has not denied about filing PWDVA No.10 of 2025 by the applicant before the learned Judicial Magistrate, First Class, Paithan. The non-applicant also not denied that he is attending the said proceeding through his counsel and some time he is also personally appearing.

7. It is not in dispute that the minor female child Pranjal is staying with the non-applicant and she is school going girl. However, the applicant is residing at her parental house in tiny village Ramnagar, Post Navgaon, Taluka Paithan, District Chhatrapati Sambhajanagar. The non-applicant has not brought any material on record to show that there is direct transport facilities are available from parental village of applicant to Pune. It is also not in dispute that the applicant will not get the boarding and lodging facilities at Pune, if she is compelled to attend the proceeding of H.M.P No.1300 of 2025 at Pune. Also, the applicant will have to travel from tiny village of Paithan Taluka to Pune along with some one male person from her family and as such, no any male person is available in parental family. Therefore, the applicant will certainly cause inconvenience to travel to Pune. Whereas, the non-applicant is

already attending the D.V. proceeding at Paithan. Therefore, if the proceeding H.M.P. No.1300 of 2025 is transferred from Pune to Chhatrapati Sambhajinagar, in that event, it will again be easy and convenient to the non-applicant to attend the said proceeding at Chhatrapati Sambhajinagar.

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

ORDER

- (i) The Miscellaneous Civil Application is allowed.
- (ii) The proceeding of H.M.P. No.1300 of 2025 is hereby withdrawn from the file of learned Civil Judge, Senior Division, Pune and it is transferred to the file of learned Civil Judge, Senior Division at Chhatrapati Sambhajinagar.
- (iii) This order be communicated to both the Courts.

[Y. G. KHOBRAGADE, J.]