



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

957 MISC.CIVIL APPLICATION NO. 372 OF 2025

SUREKHA JAYANT PATIL AND OTHERS
VERSUS
JAYANT UTTAMRAO DAUND PATIL

...
Advocate for Applicants : Ms. Deshmukh Prajakta P.
Advocate for Respondent : Mr. Taral Pavan Shivaji
...

CORAM : Y.G. KHOBRAGADE, J.
DATE : 21.01.2026

PER COURT :

1. Heard the learned Counsel Ms. Deshmukh, appearing for the applicants and the learned Counsel Mr. Taral, appearing for the non applicant.
2. By the present application, the applicant prays for transfer of the Misc. Civil Application bearing No. 107 of 2024 and the Divorce Petition bearing No. 85 of 2024 from the file of the learned Civil Judge, Senior Division, Jalgaon, District Jalgaon, to the file of the learned Civil Judge, Senior Division, Aurangabad, District Aurangabad.
3. Having regard to the submissions canvassed on behalf of both the parties, I have gone through the record.
4. It is not in dispute that on 15.02.2009 the marriage between

the applicant and the non applicant solemnized at Aurangabad as per the customs and rites prevailing in their society. It is also not in dispute that out of the said matrimonial relations they blessed with minor female children namely Ku. Nirosha and Ku. Siya. However, due to strain matrimonial relations, the applicant was compelled to stay at her parental house at Aurangabad.

5. It is also not in dispute that the present applicant has already initiated a proceeding bearing PWDVA No. 114 of 2019 and it is pending on the file of learned Judicial Magistrate First Class, Aurangabad and the non applicant is attending the said proceedings. However, subsequently the non applicant has filed a Hindu Marriage Petition No. 356 of 2018 before the learned Civil Judge Senior Division, Jalgaon but the said proceeding came to be dismissed for want of prosecution. Therefore, the non applicant has filed a Misc. Civil Application No. 107 of 2024 and prayed for restoration of the Hindu Marriage Petition No. 356 of 2018. Not only this, but during the pendency of the said application for restoration, the non applicant again filed a Hindu Marriage Petition bearing No. 85 of 2024, seeking decree for divorce.

6. Since the applicant is maintaining/nurturing two minor daughters and she has no source of income, therefore, the applicant facing trouble to attend the proceedings at Jalgaon. So also she has no

proper accommodation at Jalgaon, if she has to attend the said proceedings at Jalgaon. Therefore, considering the nature of the proceedings and the convenience of the applicant being female, it will be just and proper to withdraw the Hindu Marriage Petition bearing No. 85 of 2024 and the Hindu Marriage Petition bearing No. 107 of 2024 arising out of the Hindu Marriage Petition bearing No. 356 of 2018 from the file of learned Civil Judge Senior Division Jalgaon to the file of the Civil Judge Senior Division, Aurangabad for proper adjudication.

7. In view of the above, the Misc. Civil Application bearing No. 372 of 2025 is allowed.

8. A copy of this order be communicated to both concerned Courts.

(Y.G. KHOBRADE, J.)

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