



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO. 375 OF 2025

1. Ashiya Moinoddin Mehtar
Age: 20 Years, Occu.: Household.
R/o. C/o. Aslam Anwar Shaikh,
Narayanwadi, Chalisgaon,
Tq. Chalisgaon, Dist. Jalgaon
2. Aslam Anwar Shaikh
Age: 41 Years, Occu.: Labour,
R/o. Narayanwadi, Chalisgaon,
Tq. Chalisgaon, Dist. Jalgaon
3. Farjana Shaikh Aslam,
Age: 39 Years, Occu.: Household.
R/o Narayanwadi, Chalisgaon,
Tq. Chalisgaon, Dist. Jalgaon

..APPLICANTS

VERSUS

Moinoddin Afzal Mehtar,
Age: 23 Years, Occu.: Service,
R/o Behind Indira Gandhi Hospital,
Mang Wada, Shirpur, Tq. Shirpur,
Dist. Dhule

..RESPONDENT

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Mr. S.V. Suryawanshi, Advocate for Applicants
Mr. A.R. Syed, Advocate for Respondent
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CORAM : ABHAY J. MANTRI, J.
DATE : 05th MAY, 2026

PER COURT :

1. The Applicants, by this Application, seek to transfer the proceedings of the Restitution of conjugal rights, i.e. R.C.S. No. 130 of 2025 and the proceedings for getting compensation for defamation, i.e. R.C.S. No.

263 of 2025, pending in the Court of the learned C.J.J.D., Shirpur, to the learned C.J.J.D., Chalisgaon.

2. Heard learned counsel for the parties and perused the record.

3. Learned counsel for the Applicants submitted that four proceedings between the parties are pending at the respective concerned Courts at Chalisgaon. The Respondent has filed suits for restitution of conjugal rights and compensation against the Applicant at the Shirpur Court, which is 120 km away from Chalisgaon. During the argument, he has also drawn my attention to Section 19 of the Code of Civil Procedure along with Illustration (b) and submitted that in view of Section 19, the suit for compensation, i.e. R.C.S. No. 263 of 2025, be transferred to Chalisgaon Court along with the suit for restitution of conjugal rights, i.e. R.C.S. No. 130 of 2025. Hence, he urged that the Application be allowed.

4. In response, learned counsel for the Respondent opposes the Application, contending that the cause of action arose to file the suit at the Shirpur Court. Therefore, it would not be appropriate to transfer both the proceedings to the Chalisgaon Court. As such, he urged that the Application be rejected.

5. Having considered the rival contentions and perusal of the record, at the outset, it appears that Applicant No.1 has no source of income, and

therefore, it would be inconvenient for her to travel and attend the proceedings at Shirpur, which is 120 kms. away. Similarly, four proceedings are pending between Applicant No. 1 and the Respondent before the concerned Courts at Chalisgaon. Having considered the same and the provisions of Section 19 of the Code of Civil Procedure as well as the law laid down by the Hon'ble Supreme Court in *N.C.V. Aishwarya Versus A. S. Saravana Karthik Sha.*, *AIR Online 2022 SC 1268*, it would be appropriate to transfer the proceedings, i.e. R.C.S. No. 130 of 2025 and R.C.S. No. 263 of 2025 pending in the Court of the learned C.J.J.D., Shirpur, to the learned C.J.J.D., Chalisgaon.

6. As a result, *the Miscellaneous Civil Application is allowed in terms of the prayer clause (B).*

7. Needless to clarify that the concerned learned Courts at Chalisgaon are requested to keep all the proceedings between the parties on the same date to avoid inconvenience to the parties.

8. It is further clarified that the mediation is going on between the parties before the Mediator, and the same will continue until its conclusion.

9. The Application is disposed of.

(ABHAY J. MANTRI, J.)

SSD