



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

MISC. CIVIL APPLICATION NO. 386 OF 2025

Rahul Bhikulal Kasat,
age. 45 years, occ. Nil,
r/o. Shastri Nagar, Near Mondha,
Sailu, Dist. Parbhani – 431 503.
Presently lodged at,
Chh. Sambhajinagar Central Prison,
Chh. Sambhajinagar (C-10483)
Aadhaar No. 2638 1926 3193

...Applicant

Versus

Neelam W/o. Rahul Kasat,
age. 42 years, occ. Housewife,
at present residing at Badnapur,
Dist. Jalna – 431 202

...Respondent

...
Advocate for Applicant : Mr. Deoda Mohit Lalit
Advocate for Respondent : Mr. D.M. Mane h/f. Mr. A.N. Nagargoje

...
CORAM : ABHAY J. MANTRI, J.
DATE : 15TH APRIL, 2026

ORAL JUDGMENT :

1. Heard the learned Advocates for both parties.
2. The Applicant who is the husband of Respondent has filed Application under Section 24 of the Code of Civil Procedure, for transferring HMP No. 86/2025, filed by the Respondent under Sections 13(1)(i-a) and 13(1)(i-b) of the Hindu Marriage Act, 1955, for divorce before the learned Civil Judge, Senior Division, Jalna, to the Family Court, Aurangabad.

3. Learned Advocate for the Applicant contended that the Applicant was residing at Taluka Selu/Sailu, District Parbhani, along with the Respondent, till the Applicant was convicted for the offences punishable under Sections 302, 120-B read with 34 of the Indian Penal Code, by the learned Sessions Court, Parbhani, in Sessions Trial No. 218/2021, on 18.10.2024. After his conviction, the Respondent has filed a petition for a divorce against him at the court of the Civil Judge, Senior Division, Jalna. His only contention is that the applicant is in Harsul jail and he desires to settle the matter through mediation, and, therefore, he urged the transfer of the matter from the court of the Civil Judge, Senior Division, Jalna, to the Family Court, Aurangabad. As such, he has filed this Application.

4. It is pertinent to note that learned Advocate for the Applicant fairly admitted that prior to filing of the petition under Sections 13(1)(i-a) and 13(1)(i-b) of the Hindu Marriage Act, 1955, Applicant and Respondent were residing at Sailu, and after the Applicant was convicted in Sessions Trial, the Respondent came to reside at Taluka Badnapur, District Jalna. He further fairly admitted that the Applicant and the Respondent never resided at Aurangabad at any time.

5. Having considered the above submissions and admitted facts, in my view, the Family Court, Aurangabad, has no jurisdiction to

deal with the matter as the Applicant and Respondent never resided together at Aurangabad; likewise, the Respondent resides beyond the jurisdiction of the Family Court, Aurangabad. She resides within the territorial jurisdiction of the court of the Civil Judge, Senior Division, Jalna, and therefore has rightly filed the Petition before the Civil Judge, Senior Division, Jalna. On that ground alone, the Applicant is not entitled to seek the transfer of the matter from the Civil Judge, Senior Division, Jalna, to the Family Court, Aurangabad.

6. Secondly, the Applicant contends that he is ready to pay the travelling and other expenses to the Respondent to attend the proceedings at the Family Court, Aurangabad. It is convenient for the Applicant to attend the proceedings from Harsul jail to the Family Court at Aurangabad. By resorting to the said measure, he can try to settle the matter through mediation. However, I do not find substance in his contention, as he can travel from Harsul jail to the court of the Civil Judge, Senior Division, Jalna, either by seeking necessary permission from the competent Court in that regard, by parole, or through Video Conferencing, and can settle the matter through mediation. For that purpose, it is not necessary to transfer the matter from the court of the Civil Judge, Senior Division, Jalna, to the Family Court, Aurangabad.

7. Consequently, I do not find merit in the application. Hence, the Application is rejected. No order as to costs.

8. Needless to clarify that if the Applicant applies to the court of Civil Judge, Senior Division, Jalna, for referring the matter for mediation to Court at Aurangabad, then learned Judge may take into consideration his request and may refer the matter for mediation at Mediation Center, Aurangabad, for which Applicant is ready to pay the traveling and other expenses to the Respondent.

(ABHAY J. MANTRI, J.)

SPC