



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO. 149 OF 2025

[REDACTED]

..APPLICANT

VERSUS

[REDACTED]

..RESPONDENT

....
Mr. A.A. Suryawanshi, Advocate for Applicant
Mr. V.S. Palsikar, Advocate for Respondent

....
CORAM : ABHAY J. MANTRI, J.
DATE : 15th JUNE, 2026

PER COURT :

1. The Applicant/wife has moved this Application seeking transfer of H.M.P. No. 19 of 2025 pending before the learned C.J.S.D., Mehkar, to the learned Family Court, Nanded.
2. Having heard learned counsel for the parties and perusal of the record, at the outset, it appears that the parties are not disputing their marital status and pendency of the respective proceedings before the Courts at Mehkar and Nanded. It is also undisputed that both are working in the Indian Postal Department. The Applicant/wife is working at Nanded, whereas the Respondent/husband is at Mumbai. The Respondent/husband's native place is in Mehkar Taluka.

3. The Respondent/husband has filed divorce proceedings against the Applicant/wife on 20th January, 2026, before the learned C.J.S.D., Court, Mehkar and the same is pending. Thereafter, to counter the said proceeding, the Applicant has filed a proceeding under Section 12 of the Protection of Women from Domestic Violence Act and also filed the complaint under Section 85 of the Bharatiya Nyaya Sanhita. Both the proceedings are pending before the learned J.M.F.C., Nanded.

4. It is also pertinent to note that at the time of filing the present Application, the Applicant had not taken the ground that two proceedings were pending at the Nanded Court. During the pendency of the present application, the Respondent has filed those two proceedings, and then the Applicant amended this Application accordingly. The only ground initially raised to transfer the proceedings was that, with a view to harassing the Applicant, the Respondent had filed a divorce proceeding at Mehkar, which is approximately 200 km away from Nanded.

5. On the contrary, the Respondent has filed a reply and denied the contentions of the Applicant. It is contended that the Applicant has not approached this Court with clean hands and bona fide, but she has suppressed the material facts, and therefore, he has urged for rejection of the Application. However, he has stated that he is ready to pay a reasonable and just amount

towards the Applicant's travelling and miscellaneous expenses for attending the proceedings at Mehkar.

6. No doubt, generally, the Court grants the relief as prayed. However, the facts in the case at hand are distant. The present Applicant is a working woman with an independent source of income. It is to be noted that the Applicant has not preferred proceedings against the Respondent until the Respondent filed the divorce proceedings at Mehkar; thereafter, to counter the same, she has filed proceedings at Nanded.

7. It is not in dispute that she has cohabited with the Respondent at Deulgaon Mahi, which is within the territorial jurisdiction of Mehkar Court. Therefore, the Mehkar Court is empowered to try and entertain the said proceeding. No child was born from the said wedlock. It is also to be noted that it is a civil proceeding, and the Applicant can attend the said proceeding online by requesting the concerned Court. Therefore, it is not necessary for her to physically attend the Court on every date in the Mehkar Court.

8. Apart from this, the Respondent is ready to pay the Applicant's travelling expenses as well as miscellaneous expenses for attending the proceeding at Mehkar, if the Applicant attends the proceeding physically and produces the train/bus tickets before the Court.

9. Having considered the aforesaid discussion, in my view, the Court at Mehkar is competent to try and entertain the matter, where the cause of action arose, and the Applicant can attend the proceeding online by making a necessary application. That being so, it cannot be said that the Applicant would suffer any hardship to attend the Court at Mehkar.

10. In the light of the above discussion, I do not find substance in the contention of the learned counsel for the Applicant to transfer the proceeding from the Mehkar court to the Nanded court.

11. Consequently, **the Miscellaneous Civil Application being bereft of merits, stands dismissed.**

12. Needless to clarify that the Applicant is at liberty to move an application before the concerned Court for permitting her to appear through video conferencing/online in the proceeding. In such circumstances, the concerned Court may consider her application positively. If the Applicant attends the proceeding physically, in that case the Respondent shall pay the bus/train ticket charges on her production of the tickets before the Court and Rs.500/- towards the miscellaneous expenses.

13. The Application is disposed of.

(ABHAY J. MANTRI, J.)