

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO. 317 OF 2024

Archana Sunil Khokle ... Applicant

Versus

Sunil Mundajirao Khokle ... Respondent

Mr. Kuldeep U. Nikam for the Applicant.

Coram : ASHWIN D. BHOBE, J.

Date : 28th August 2026.

PER COURT :

1. Heard Mr. Kuldeep Nikam, learned Advocate for the Applicant.
2. By the present Application filed under Section 24 of the Civil Procedure Code 1908, the Applicant has sought the following substantive relief in prayer clause :

“(a) This Hon’ble Court may be pleased to transfer the Hindu Marriage Petition No. 47 of 2020 filed by the Respondent before the Ld. C.J.S.D., Vasmath, District: Hingoli to the Court of Ld. C.J.S.D., Sangli at Sangli.”

3. Mr. Kuldeep Nikam, learned Advocate for the Applicant, states that notice to the Respondent was initially issued in this Application on 23rd July 2024, and ad-interim relief in terms of prayer clause (b) was granted. He submits that the notice to the Respondent was duly served on 1st August 2024. He further submits that upon transfer of this Application to the Circuit Bench at Kolhapur, a fresh notice was issued on 9th April 2026, which was also served on the Respondent. He submits that the service on the Respondent in this Application is complete and that the Respondent has willfully chosen not to appear.

4. The Office Note dated 13th August 2026 reads thus :

- “1] MCA FILED THROUGH E-FILING AND PHOTOCOPY IS KEPT HEREWITH.
- 2] AS PER BAILIFF REPORT DATED 07/05/2026 NOTICE DULY SERVED ON SOLE RESPONDENT.
- 3] CONT. STAY WRIT PUT UP TO LOWER COURT.”

5. The name of the Respondent, Sunil Mundajirao Khokle, was called out by the Sheristedar. Neither the Respondent nor any Advocate for the Respondent was present, either physically or via V.C. mode.

6. Mr. Kuldeep Nikam, learned Advocate for the Applicant, submits that the Applicant (wife) is a resident of Jath, District Sangli and is presently employed as a Gramsevak. He submits that the Applicant and the Respondent (husband) have a minor child aged 6 years, born out of wedlock, who is with

the Applicant. He submits that the Respondent has filed Hindu Marriage Petition No. 47 of 2020 at Vasmath, District Hingoli, i.e. about 400 kms. from the Applicant's place of abode at Jath, District Sangli. He submits that the request for transfer is made due to the inconvenience caused to the Applicant, in view of her job responsibilities, including the responsibility of a minor son, to travel from Sangli District to Hingoli District.

7. The Respondent has chosen to remain absent despite being served with notice of this Application. Thus, it appears that the Respondent is not interested in contesting the Applicant's request for transfer.

8. In the case of *N.C.V. Aishwarya vs. A.S. Saravana Karthik Sha*¹, in para No. 9, it has been observed as under:-

“The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-

1 2022 SCC OnLine SC 1199

economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer."

9. In view of the statements in this Application and the fact that the Respondent has chosen to remain absent despite being served, the submission made by Mr. Kuldeep Nikam, learned Advocate for the Applicant, remains un-rebutted. Accordingly, this Application is allowed in terms of the prayer clause (a).

10. Consequently, Hindu Marriage Petition No. 47 of 2020, filed by the Respondent, is withdrawn from the Court of the Civil Judge Senior Division, Vasmath, District Hingoli and transferred to the Court of the Civil Judge Senior Division, Sangli, which has jurisdiction to try family and marital disputes.

11. The Principal District Judge, Sangli is requested to assign the Hindu Marriage Petition No. 47 of 2020 to the Court at Sangli having jurisdiction to try family and marital disputes.

12. Mr. Kuldeep Nikam, learned Advocate for the Applicant, states that the copy of this order would be placed before the Principal District Judge, Sangli.

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[ASHWIN D. BHOBE, J.]