



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

918 MISC.CIVIL APPLICATION NO. 233 OF 2024

SAU. URMILA W/O GOVIND NAIK ALIAS URMILA D/O
PADMAKAR GHUMARE

VERSUS

GOVIND S/O. SUDHAKARRAO NAIK

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Mr. Ramesh R. Imale, Advocate for the Applicant

Mr. A. S. Jadhav, Advocate for the Respondent

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CORAM : Y. G. KHOBRAGADE, J.

DATE : February 18, 2026

PER COURT :-

1. Heard the learned counsel appearing for the applicant and the learned counsel for the non-applicant, at length.
2. By the present application under Section 24 of the Code of Civil Procedure, the applicant / wife is seeking transfer of Petition A No.188 of 2023, from the file of learned Family Court, Latur to the learned Family Court, Ahmednagar.
3. On 18.08.2025, this Court passed the following order:-

“1. At the joint request of the parties matter is referred for mediation before the learned Advocate Mr. R. M. Deshmukh. Parties to appear before the learned Mediator by seeking his prior appointment. The mediator is requested to furnish his report on or before 16.10.2025.

2. Stand over to 16.10.2025.

3. Interim relief to continue till next date of hearing.”

4. On 16.10.2025, the following order was passed:-

“1. The parties are referred to mediation. The mediation process is still going on. It is informed that, there is progress and the matter is likely to be settled within one or two sittings.

2. Stand over to 27.11.2025.

3. Interim relief granted earlier to continue till the next date.”

5. In spite of all these things, both the parties are personally appeared before this Court. In the first session, on inquiry, the applicant / wife shown her willingness to cohabit with the non-applicant. The non-applicant who is legal practitioner by profession, he also made oral statement before this Court that he is ready and willing to take the applicant for cohabitation. When this Court asked both the parties to file pursis disclosing their willingness, however, in second session, when the matter is called out, the applicant / wife shown her willingness to sign the pursis, but the non-applicant straightway refused to sign the pursis though it was prepared by the learned counsel for the applicant, which shows that the non-applicant

is not ready and willing to settle the dispute. Hence, heard the learned counsel appearing for both the sides, finally.

6. It is the contention of the applicant / wife that on 25.05.2014, her marriage was solemnized with the non-applicant as per the customs and rites prevailing in their society. After the marriage, she cohabited with the non-applicant at Latur in the joint family, however, later on, she was subjected to cruelty at the hands of the non-applicant and his family members, so also, she has been driven out of her matrimonial house. Therefore, she started residing with her parents at Rahuri, District Ahmednagar, within the jurisdiction of Family Court, Ahmednagar.

7. On face of record, it appears that the applicant / wife filed H.M.P No.210 of 2016, before the learned Civil Judge, Senior Division, Ahmednagar and prayed for decree of restitution of conjugal rights. Whereas, the non-applicant has filed H.M.P No.471 of 2017 initially before the learned Civil Judge, Senior Division, Latur, which was subsequently transferred to the file of learned Civil Judge, Senior Division, Ahmednagar. However, both the proceedings came to be disposed off on 25.09.2019. Being aggrieved by the said order, R.C.A.

No.424 of 2019 and 31 of 2020 were filed before the learned District Court, Ahmednagar.

8. On 06.05.2022, the learned District Judge, Ahmednagar, passed the judgment and order in both the appeals and allowed R.C.A. No.31 of 2020 and passed the judgment and decree for restitution of conjugal rights in favour of the applicant / wife. Arising out of the said decree, Darkhast No.226 of 2023 is filed by the applicant / wife before the learned Civil Judge, Senior Division, Ahmednagar. However, the non-applicant has filed Petition A No.188 of 2023 before the learned Family Court, Latur, seeking decree of divorce.

9. Needless to say that the distance between Rahuri and Latur is about 400 to 450 kms. Therefore, certainly, there would be inconvenience for the applicant to attend the said proceeding at Latur. The non-applicant being a practicing lawyer, can travel from Latur to Ahmednagar to attend the proceeding. Therefore, considering the law laid down in the cases of ***N.C.V Aishwarya V A. S. Saravana Karthik Sha (Civil Appeal No.4894/2022)*** decided by the Hon'ble Supreme Court on 18.07.2022, wherein, in paragraph No.9, it is held as follows:-

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

10. It is necessary to withdrawn the Petition A No.188 of 2023 from the file of learned Family Court, Latur and it is necessary to transfer the same to the file of learned Family Court, Ahmednagar. Accordingly, I am inclined to grant the present application and proceed to pass the following order:-

ORDER

- (i) The Miscellaneous Civil Application is allowed.
- (ii) Petition A No.188 of 2023, pending on the file of learned Family Court, Latur, is hereby withdrawn and transferred to the file of learned Family Court, Ahmednagar.
- (iii) This order be communicated to both the Courts.

[Y. G. KHOBRAGADE, J.]