



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

940 MISC.CIVIL APPLICATION NO. 247 OF 2024

DHANASHREE KEVAL PATIL

VERSUS

KEVAL PRADIPSINGH PATIL

....

Mr. Randhir Harshal Prakash, Advocate for the Applicant

....

CORAM : Y. G. KHOBRAGADE, J.

DATE : March 17, 2026

PER COURT :-

1. Heard the learned counsel for the applicant at length.
2. The non-applicant / husband is served with the paper publication by way of substituted service on 17.02.2026. Despite service of notice, the non-applicant failed to appear in the matter. Hence, the matter is proceeded exparte against him.
3. By the present application under Section 24 of the Code of Civil Procedure, the applicant / wife is seeking transfer of matrimonial proceeding bearing H.M.P No.300 of 2024 from the file of learned Civil Judge, Senior Division, Pune to the file of learned Civil Judge, Senior Division, Jalgaon.

4. On face of record, it appears that on 06.05.2018, the marriage between the applicant and the non-applicant was solemnized as per the customs and rites prevailing in their society at Chalisgaon, District jalgaon. Out of the said wedlock, they blessed with male child “Vihan”, who is presently aged about 6 years and staying with the applicant / wife. Due to the matrimonial discard, the non-applicant /husband has filed Petition H.M.P No.300 of 2024 before the learned Civil Judge, Senior Division, Pune and prayed for dissolution of marriage. The present applicant is residing at Vadji, Taluka Bhadgaon, within the jurisdiction of Civil Judge, Senior Division, Jalgaon and she is unable to travel from Jalgaon to Pune with the minor son, so also, there is no lodging and boarding facility at Pune. Therefore, she is unable to travel, hence prayed for transfer.

5. Considering the law laid down in the case 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."

6. Considering the nature of dispute as well as the inability of the present applicant to travel from Jalgaon to Pune, it would be just and proper to withdraw H.M.P No.300 of 2024 from the file of learned Civil Judge, Senior Division, Pune and to transfer the same to the file of learned Civil Judge Senior Division, Jalgaon.

7. In view of above, the present Miscellaneous Civil Application is allowed in terms of prayer clause (B).

8. This order be communicated to both the Courts. No order as to cost.

[Y. G. KHOBRAGADE, J.]

SMS