



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

934 MISC. CIVIL APPLICATION NO. 267 OF 2024

KAJAL UMESH KADAM

VERSUS

UMESH SATISH KADAM

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Advocate for Applicant : Mr. Himmatsinh D. Deshmukh
Advocate for Respondent : Mr. Sagar Madake h/f Mr. Golegaonkar
Madhur A. and Mr. Dhiraj Sayajirao Ghadge

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CORAM : Y.G. KHOBRAGADE, J.

DATE : 16.01.2026

PER COURT :

1. Heard Mr. Deshmukh, learned Counsel appearing for the applicant and Mr. Madake h/f Mr. Golegaonkar, learned Counsel appearing for the Non Applicant at length.

2. By the present application filed under Section 24 of the Code of Civil Procedure, 1908, the applicant wife prays for transfer of Hindu Marriage Petition No. 361 of 2023 from the file of learned Civil Judge, Senior Division, Satara, District Satara to the file of learned Civil Judge, Senior Division, Newasa, District Ahmednagar for trial and adjudication according to the law.

3. The learned Counsel Mr. Deshmukh, appearing for the Applicant canvassed that on 10.02.2019 the marriage between the Applicant and the Non Applicant was solemnized and out of the said

wedlock they blessed with a child namely Kartik on 28.06.2020, however, subsequently their matrimonial relations became strained. Therefore, the Applicant wife started residing at her parental house. Whereas, her husband Non Applicant has filed a Hindu Marriage Petition bearing No. 361 of 2023 before the learned Civil Judge, Senior Division, Satara and prayed for decree of divorce. The Applicant has filed Hindu Marriage Petition bearing No. 95 of 2024 and prayed for decree of restitution of conjugal rights before the Civil Judge, Senior Division, Newasa, District Ahmednagar. Presently, the Non Applicant is attending the said proceeding at Newasa. Therefore, if the Hindu Marriage Petition bearing No. 361 of 2023 is transferred from the file of learned Civil Judge, Senior Division, Satara to the file of learned Civil Judge, Senior Division, Newasa, no prejudice would be caused to any party and it will be convenient to both the parties to attend both proceedings in one and the same Court.

4. Per Contra, learned Counsel Mr. Madake h/f Mr. Golegaonkar, appearing for the Non Applicant strongly resisted the prayer of the Applicant for transfer of Hindu Marriage Proceeding bearing No. 361 of 2023, on the ground that the Non Applicant has initially instituted Hindu Marriage Petition bearing No. 361 of 2023, wherein the Applicant has duly appeared and filed his reply, therefore, the present proceeding No. 361 of 2023 is not liable to be transferred.

5. In support of his submission the learned Counsel for the Non Applicant relied on the judgment dated 01.08.2025 passed by this Court at Principal Seat, wherein this Court in **Amtuta Vs. Sachin – 2025 SCC Online Bom. 2808** considered the case of **Abhilasha Gupta V. Harimohan Gupta (Supreme Court) - (2021) 9 SCC 730**, wherein, it has been held that whether the matter is at the advance state of the trial, it ought not have to be transferred.

6. In the case in hand the Applicant appeared in the Hindu Marriage Petition bearing No. 361 of 2023 and filed her say, therefore, as on today the trial has not taken place. Therefore, the ratio laid down in above cited case is not applicable to the facts of the present case. None the less, the present Non Applicant is attending the proceeding bearing No. 95 of 2024 before the learned Civil Judge, Senior Division, Newasa, therefore, no prejudice would be caused to him, if the Hindu Marriage Petition No. 361 of 2023 is transferred from the file of Civil Judge, Senior Division, Satara to the file of learned Civil Judge, Senior Division, Newasa.

7. In view of the above discussion, I am inclined to grant the present application and proceed to pass the following order :

ORDER

- (i) The Misc. Civil Application No. 267 of 2024 is allowed.

(ii) The Hindu Marriage Petition bearing No. 361 of 2023, pending on the file of learned Civil Judge, Senior Division, Satara is hereby withdrawn and it is transferred to the file of learned Civil Judge, Senior Division, Newasa, District Ahmednagar for trial and adjudication alongwith Hindu Marriage Petition No. 95 of 2024.

(iii) Accordingly the Misc. Civil Application is disposed of.

(Y.G. KHOBRAGADE, J.)

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