



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO. 315 OF 2024

Shubhangi Bandu Bhendekar

..APPLICANT

VERSUS

Janardan Annasaheb Fhatke

..RESPONDENT

....
Mr. Shritej Surve, Advocate h/f Mr. K.H. Surve, Advocate for Applicant
Mr. Y.R. Neb, Advocate for the Respondent
....

CORAM : ABHAY J. MANTRI, J.
DATE : 21st APRIL, 2026

PER COURT :

1. The Applicant, Wife, has preferred this Application seeking transfer of three proceedings, i.e. H.M.P No. 8 of 2023 pending before the learned C.J.S.D., Newasa and Maintenance Application being Criminal M.A. No. 123 of 2023 and P.W.D.V. No. 76 of 2023 pending before the Court of learned J. M. F. C., Newasa, to the concerned Court, at Aurangabad.

2. Heard learned counsel for the Applicant and learned counsel for the Respondent. Perused the application and record.

3. It appears that initially, the Applicant had filed maintenance proceedings, 498-A proceedings, and domestic violence proceedings before the Court at Newasa, as per the advice of her counsel. She resides in

Aurangabad and has therefore applied to transfer these three proceedings from the Newasa Court to the Aurangabad Court.

4. It is pertinent to note that the Respondent filed a reply. He did not dispute that the Applicant is residing in Aurangabad. Still, he has only contended that, with a view to harassing him and making it inconvenient for him to attend the proceeding in Aurangabad, she has filed this Application. The Respondent also does not dispute the contention of the Applicant that her Advocate advised her to institute maintenance proceedings and domestic violence proceedings at Newasa.

5. Thus, it appears that due to wrong advice, the Applicant has filed the proceeding at Newasa. Having considered the aforesaid fact, it is apparent that the Applicant has no source of income; therefore, it is inconvenient for her to travel and attend the divorce proceeding pending at Newasa. The Applicant is also unable to bear the financial burden of travelling and attending the proceedings at Newasa. Therefore, it is contended that it would be appropriate to transfer the proceedings from the concerned Courts at Newasa to the learned concerned Court at Aurangabad, to avoid multiplicity of litigation and inconvenience to her.

6. The Hon'ble Supreme Court in the Case of *N.C.V. Aishwarya Versus A. S. Saravana Karthik Sha* reported in *AIR Online 2022 SC 1268*, has observed

that 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, they must take into account the economic soundness of both parties, the social strata of the spouses, their behavioural patterns, their standard of life before and after the marriage, and the circumstances. The Court also has to exercise interference when one proceeding is pending before one Court and another proceeding is pending before another Court; in such events, it would be appropriate to transfer all proceedings to one Court to avoid inconvenience to the wife. Apart from that, the Hon'ble Supreme Court, in a catena of judgments, has held that it would be appropriate to transfer the proceedings to the place where the wife resides to avoid causing her any inconvenience.

7. Having considered the above facts that the Applicant has no income source and it is inconvenient for the Applicant to travel and attend the proceedings at Newasa, it apparently indicates that she will have to endure hardship and suffering. Consequently, in view of the dictum laid down by the Hon'ble Apex Court in the Case of *Aishwarya* (supra), in my opinion, it would be appropriate to transfer the above-mentioned three proceedings pending before the learned C.J.S.D., Newasa and learned J.M.F.C., Newasa, to the learned concerned Court at Aurangabad.

8. As a result, *Miscellaneous Civil Application is allowed in terms of prayer clauses (B), (C) and (D).*

9. The Application is disposed of. No order as to costs.

(ABHAY J. MANTRI, J.)

SSD