



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

26 MISC.CIVIL APPLICATION NO. 64 OF 2025

Renuka Sandip Mahalle

VERSUS

Sandip Pralhadrao Mahalle

...

Ms. Aishwarya N. Tanpure h/for Mr. Gore Ravindra Vitthal,
Advocate for Applicant

Mr. S. R. Bagal, Advocate for Respondent

CORAM : Y. G. KHOBRAGADE, J.

Dated : 19th January, 2026

PER COURT :-

1. Heard learned counsel appearing for the applicant and learned counsel for the non applicant.
2. Leave granted to amend Prayer Clause (B), so as to seek transfer of the proceedings to the file of the learned Civil Judge, Senior Division, Bhusawal. The amendment shall be carried out forthwith.
3. By the present application under section 24 of the Civil Procedure Code, the applicant wife is seeking transfer of Petition No.A-387/2024, pending on the file of the learned Family Court, Akola to the file of learned Civil Judge, Senior Division, Bhusawal, for disposal in accordance with law.
4. Learned counsel for the applicant submitted that the applicant wife has already instituted a proceeding before the

learned JMFC, Bodwad, District Jalgaon under the provisions of Protection of Women from Domestic Violence Act. The non applicant-husband has filed Petition No.A-387 of 2024 before the Family Court, Akola seeking decree of divorce. Due to matrimonial dispute, the applicant is residing at her parental house at Bodwad, District Jalgaon and having a minor child aged about 2 years. Since the applicant is residing at her parental house at Bodhwad, it is inconvenient for her to attend the said proceeding filed by the non applicant husband at Akola; hence, prays for transfer of the said proceeding to Bhusawal.

5. The learned counsel appearing for the non-applicant filed reply affidavit and strongly resisted the application. Learned counsel for the non applicant canvassed that the non-applicant-husband is serving in a private school at Akola and would be unable to obtain leave to attend the proceedings at Bhusawal, if the proceedings are transferred from Akola to Bhusawal; hence, he prays for rejection of the application.

6. Needless to say that out of wedlock, the applicant and non applicant are blessed with a child who is now two years old. The non applicant has not denied that the minor child is staying with the applicant-wife. Under the circumstance, if the applicant is compelled to attend the proceeding before learned the Family Court at Akola, in that event, she will have to travel from Bodhwad to Bhusawal and then Bhusawal to Akola and it would certainly cause inconvenience to her.

7. As per section 24 of the Civil Procedure while transferring a proceedings from one court to another, the convenience of the lady, who is required to attend the proceeding, is required to be considered. Therefore, considering the nature of dispute and convenience of the applicant- lady, it would be just and proper to withdraw Petition No. A-387 of 2024 from the file of learned Family Court, Akola and transfer to the court of learned Civil Judge, Senior Division, Bhusawal, for disposal in accordance with law.

8. In view of the above discussions, following order is passed:

ORDER

- (1) Misc. Civil application is allowed.
- (2) Petition No. A-387 of 2024 is hereby withdrawn from the file of learned Family Court, Akola and transferred to the file of learned Civil Judge, Senior Division, Bhusawal for disposal in accordance with law.
- (3) The order be communicated to the concerned courts.

(Y. G. KHOBRAGADE, J.)

JPChavan