



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

921 MISC.CIVIL APPLICATION NO. 141 OF 2025

PRITI ROHIT KACHI

....Applicant

VERSUS

ROHIT PRALHAD KACHI

.....Respondent

Mr. Z. H. Farooqui, Advocate h/f Mr. S. N. Gaikwad, Advocate for the Applicant

Mr. N. V. Talegaonkar, Advocate for the Respondent

CORAM : ABHAY J. MANTRI, J.

DATE : 22nd APRIL, 2026

PER COURT :

1. The Applicant-wife has filed this Application seeking transfer of the Marriage Petition No. 10/2025 pending before the learned CJSD & Addl, CJM, Pune to the learned CJSD, Shrigonda, Dist. Ahilyanagar.

2. Heard the learned Advocates for the parties and perused the record.

3. It appears that the Applicant got married to the Respondent on 25-07-2020 at Nimbgaon Khalu, Tq. Shrigonda, Dist. Ahmednagar. She cohabited with him for some time. During the wedlock, she gave birth to a son who is now five years old. After the birth of the son, the Applicant has been residing separately from the

Respondent and living with her father. The Applicant has filed proceedings under the provisions of the Protection of Women From Domestic Violence Act, as well as a petition under Section 9 of the Hindu Marriage Act, before the concerned Court at Shrigonda. Both the proceedings are pending there. However, to set back the said proceeding, the Respondent has filed a divorce proceeding before the learned CJSD, Pune. Therefore, the Applicant has moved this Application.

4. The Applicant has contended that she is residing with her minor son and therefore, it is very inconvenient to her to travel the long distance, i.e. 90 km, to attend the Court proceeding at Pune. The Applicant has no independent source of income and is therefore unable to bear the expenses of attending court. Therefore, she urged that the said divorce proceeding be transferred from Pune to Shrigonda.

5. The Hon'ble Supreme Court in the *Case of N.C.V Aishwarya Vs. 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.

6. 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 filed by the husband, 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 Marriage Petition No. 10/2025 pending before the learned CJSD & Addl, CJM, Pune to the learned CJSD, Shrigonda, Dist. Ahilyanagar.

7. As a result, **the Application is allowed in terms of the prayer clause A.**

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

[ABHAY J. MANTRI, J.]

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