



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 170 OF 2025

MANISHA AVINASH HARANE

VERSUS

AVINASH MOHAN HARANE

...
Advocate for Applicant : Mr. Dagadkhair Dinakar Karabhari

...

CORAM : ABHAY J. MANTRI, J.

DATE : 20TH APRIL, 2026

PER COURT :

1. Heard the learned Advocate for the Applicant. None present for the Respondent. Perused the record.
2. It appears that on 04.03.2025, the bailiff served the notice on the Respondent through his father, who had informed his son over the mobile phone that he had received a court notice. Thereafter, on 23.09.2025, the Respondent's mother again acknowledged the notice. Despite the said facts, the Respondent remain absent. Hence, the application needs to be proceeded with in the absence of the Respondent as it has been pending since April, 2025.
3. By this application, the Applicant is seeking transfer of the Divorce proceeding bearing HMP No. 1096/2024, pending before the 3rd

Joint Civil Judge Senior Division, Kalyan, to the Family Court, Aurangabad.

4. The Applicant was married to the Respondent on 11.05.2018, at Aurangabad. However, on 27.04.2024, the Respondent drove out the Applicant from the matrimonial house. Therefore, she has filed a complaint under Section 498-A against him. The same is registered at Jawarharnagar Police Station, Aurangabad. She also filed a Divorce Petition bearing No. A-281/2024, against the Respondent at Aurangabad, and is pending. However, to set back the complaint and proceedings, the Respondent filed a divorce proceeding bearing no. 1096/2024 at Kalyan. Therefore, the Applicant has moved this Application.

5. The Applicant contends that she has no income source, and it is inconvenient for her to attend the proceeding at Kalyan, which is more than 250 km away. The Hon'ble Apex Court, in a catena of judgments, held that proceedings between the parties shall be transferred to a single Court to avoid inconvenience to the parties and multiplicity of the proceedings.

6. The Hon'ble Supreme Court in *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.

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 Kalyan, 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 *Aishwarya (supra)*, in my opinion, it would be appropriate to transfer the Divorce proceeding bearing HMP No. 1096/2024, pending before the 3rd Joint Civil Judge Senior Division, Kalyan, to the Family Court, Aurangabad

8. As a result, the Application is allowed in terms of the prayer clause 'B'.
9. The Application is disposed of. No order as to costs.
10. Inform the concerned Court accordingly.

(ABHAY J. MANTRI, J.)

SPC