



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

921 MISC.CIVIL APPLICATION NO. 177 OF 2025

SNEHAL PRASAD NICHAL

VERSUS

PRASAD ANIL NICHAL

....

Mr. M. M. Bhokarika, Advocate for the Applicant

Mr. R. D. Biradar, Advocate for the Respondent

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CORAM : Y. G. KHOBRAGADE, J.

DATE : February 18, 2026

PER COURT :-

1. By the present application under Section 24 of the Code of Civil Procedure, the applicant / wife is seeking transfer of H.M.P No.60 of 2024, from the file of learned Civil Judge, Senior Division, Daryapur, District Amravati, to the file of learned Civil Judge, Senior Division, Jalgaon.

2. It is the contention of the applicant that, on 28.04.2015, her marriage was solemnized with the non-applicant as per the Hindu customs and rites at village Shahapur, Taluka Jamner, District Jalgaon. Out of the said matrimonial relations,

she blessed with a daughter, aged about 8 years. However, due to matrimonial discord, she was driven out of her matrimonial house and she was compelled to stay at her maternal house. However, the non-applicant / her husband has filed a petition bearing H.M.P No.60 of 2024, before the learned Civil Judge, Senior Division, Daryapur, District Amravati, seeking decree of dissolution of marriage / divorce under Section 13(1)(i) (i-a) (i-b) of the Hindu Marriage Act. The applicant further contended that the distance between Daryapur and Jalgaon is more than 250 kms and she has a minor child. Therefore, it is very inconvenient and difficult to her to travel from Jalgaon to Daryapur, to attend the said proceeding, so also the said proceeding has been filed by the non-applicant after her filing the proceeding for maintenance for herself and for her minor daughter.

3. Mr. Biradar, the learned counsel for the non-applicant strongly opposed the application on the ground that the non-applicant is already paying huge amount of maintenance and the applicant / wife can travel from Jalgaon to Daryapur. Hence, prayed for rejection of the application. In support of these submissions, he relied on the case of *Abhilasha Gupta Vs. Harimohan Gupta, (2021) 9 SCC 730 : MANU/SC/0727/2021*, wherein, the transportation

allowance was increased from Rs. 3,000/- to Rs. 4,000/-, which was incurred for attending the divorce proceedings at Kota by the wife, even though the proceedings were at an advanced stage. It further relied in the case of ***Shaline Dubey Vs. Abhishek Tripathi, MANU/UP/0852/2022 : (2022) ILR 5 ALL 1273***, wherein, the proceeding was on the verge of final hearing, therefore, the transfer proceeding was declined and was allowed to pay litigation expenses to the wife.

4. In case in hand, the non-applicant failed to produce rozanama of H.M.P No.60 of 2024 to show that presently the said proceeding is at advance stage. The distance between Jalgaon and Daryapur is more than 250 kms to 300 kms. The Court at Daryapur is not on the highway, which passes from Jalgaon to Nagpur, known as National Highway No.6. Nonetheless, the applicant is having 8 years old minor child. Therefore, if the applicant is compelled to attend the proceeding before the learned Civil Judge, Senior Division, Daryapur, in such circumstances, the applicant will require to travel from Jalgaon to Amravati and then Amravati to Daryapur which is not convenient. Under these facts and circumstances, the above cited cases are not applicable. Therefore, considering the law laid down in

the cases of *N.C.V Aishwarya V. A. S. Saravana Karthik Sha (Civil Appeal No.4894/2022)* decided by the Hon'ble Supreme Court on 18.07.2022, wherein, in paragraph No.9, it is held as follows:-

"9. 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, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer."

5. Therefore, taking into economical condition of the applicant and she will require to travel from Jalgaon to Daryapur with her minor child, which is certainly cause inconvenient to the wife. Therefore, it would be just and proper to withdraw H.M.P No.60 of 2024 from the file of learned Civil Judge, Senior Division, Daryapur and required to be transfer to the file of learned Civil Judge, Senior Division, Jalgaon. Accordingly, I am inclined to grant the present application and proceed to pass the following order:-

ORDER

- (i) The Miscellaneous Civil Application is allowed.
- (ii) H.M.P No.60 of 2024, pending on the file of learned Civil Judge, Senior Division, Daryapur, District Amravati, is hereby withdrawn and transferred to the file of learned Civil Judge, Senior Division, at Jalgaon. However, the non-applicant / husband is permitted to appear through the Video Conferencing in case he is unable to appear before the Civil Judge, Senior Division, Jalgaon, in person.
- (iii) This order be communicated to both the Courts.

[Y. G. KHOBRAGADE, J.]

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