



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO. 178 OF 2025

Pooja Mangesh Narule

...Applicant

Versus

Mangesh Vijay Narul

...Respondent

Mr. Rahul Cheble h/f Mr. Gangakhedkar S.S., Advocate for the Applicant.
Mr. Santosh N. Patne, Advocate for the Respondent.

CORAM: ABHAY J. MANTRI, J.

DATE : APRIL 27, 2026

PER COURT :

1. By this Application, the Applicant seeks to transfer the proceedings filed under Section 9 of the Hindu Marriage Act for restitution of conjugal rights bearing Hindu Marriage Petition No.03 of 2025 pending before the learned Civil Judge, Senior Division, Malshiras to the learned Civil Judge, Senior Division, Omerga.
2. Heard learned counsel for the Applicant and the learned counsel for the Respondent. Perused the record..
3. The Applicant got married to the Respondent on 02nd January 2024. On 22nd March 2024, the Respondent with the in-laws drove her out from the house.

4. The Respondent has filed proceedings under Section 9 of the Hindu Marriage Act for restitution of conjugal rights before the learned Civil Judge, Senior Division, Malshiras; therefore, the Applicant has moved this Application.

5. It is contended that the Applicant has no source of income and it is inconvenient for her to travel and attend the proceedings at Malshiras, which is approximately 200 km away. The Applicant is unable to bear the financial burden of travelling and attending the proceedings at Malshiras; therefore, she has moved this Application.

6. The Hon'ble Supreme Court in the Case of *N.C.V. Aishwarya Versus A. S. Saravana Karthik Sha*¹, 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 such power 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

1 AIR Online 2022 SC 1268

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 source of income and it is inconvenient for the Applicant to travel and attend the proceedings at Malshiras, it appears 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 proceeding bearing Hindu Marriage Petition No. 03 of 2025 pending before the learned Civil Judge, Senior Division, Malshiras to the learned Civil Judge, Senior Division, Omerga.

8. As a result, the *Miscellaneous Civil Application is allowed in terms of the prayer clause (B)*.

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

(ABHAY J. MANTRI, J.)