



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 MISC.CIVIL APPLICATION NO. 207 OF 2025

Tanuja Wo Pravin Patil

VERSUS

Pravin So Ramchandra Patil

...

Mr. S. N. Rodge h/for Mr. Ajay Shinde, Advocate for Applicant

Mr. Jaydeep S. Kadam, Advocate for Respondents

CORAM : Y. G. KHOBRADE, J.

Dated : 11th February, 2026

PER COURT :-

1. The parties to the present application were referred to the mediation vide order dated 21.01.2026. However, on 2nd February, 2026, the Mediator, through the Secretary, Legal Aid Sub Committee, Aurangabad submitted a Mediation failure report. Therefore, the parties are called upon to argue the matter on merit.

2. Heard learned counsel for the applicant and learned counsel for the non applicant at length. Having regard to the submissions canvassed on behalf of both the sides, I have gone through the record.

3. By the present application under section 24 of the Civil Procedure Code, the applicant wife is seeking transfer of Application/Petition No. A-92/2023 pending on the file of the learned learned Family Court, Dharashiv (Osmanabad) to the file of learned Civil Judge, Senior Division, at Omerga Dist. Dharashiv, for disposal in accordance with law.

4. On the face of record, it appears that the marriage between the applicant and the non-applicant was solemnized on 20.05.2021 as per the customs and rites prevailing in their society. Out out the wedlock, the applicant and non applicant are blessed with a female child, now aged about 3 and half years. However, due to matrimonial discord, the applicant was compelled to stay at her parental house at villate Kondajigad Tq. Lohara Dist. Dharashiv.

5. It is the contention of the applicant that the non applicant is a legal practitioner by profession, however, the applicant was not treated properly at the hands of the non applicant and his relatives. So also the non applicant was suspicious about the character. Ultimately, the applicant was compelled to stay at her parental house. Subsequently, the non applicant has filed Petition No. A-92 of 2023 before the Family Court at Osmanabad seeking decree of dissolution of marriage between him and the applicant. The applicant further contended that she is residing in a remote village and the distance from her parental house to Osmanabad is about 120 to 140 kms. So also there is no direct transport facility available from her parental village to Osmanabad. She has three year old baby child and therefore, it is inconvenient for her to travel with a small baby. Hence prayed for transfer of the proceeding.

6. The non applicant has filed affidavit in reply and strongly

opposed the application. According to the non applicant that the marriage between him and the applicant was solemnized during Covid period in the presence of 25 persons only. The non applicant has not denied that they are blessed with a female child Rajashri, now aged about 3 and half years. The learned counsel for the non applicant further canvassed that due to harassment and humiliation at the hands of the applicant, his family members suffered a lot. The distance between Dharashiv and Lohara is approximately 46 kms. and distance from Lohara to Kondajigad is about 25 kms. Therefore, total distance from Kondajigad to Dharashiv is approximately 75 kms; however, the applicant has intentionally and deliberately stated the distance as 130 kms. So also, there are transportation facilities available from Kondajigad to Dharashiv. The said proceeding at Dharashiv is ripened for trial. Therefore, the non applicant prayed for rejection of the application.

7. The learned counsel appearing for the non applicant placed reliance on the case of **Anindita Das Vs. Srijit Das, 2005 DGLS (SC) 659=2006 (9) SCC 197**, wherein, the Hon'ble Supreme Court observed in para 3 and 4 and under:

"3. Even otherwise, it must be seen that at one stage this Court was showing leniency to ladies. But since then it has been found that a large number of transfer petitions are filed by women taking advantage of the leniency shown by this Court. On an average at least 10 to 15 transfer petitions are

on board of each court on each admission day. It is, therefore, clear that leniency of this Court is being misused by the women.

4. This Court is now required to consider each petition on its merit. In this case the ground taken by the wife is that she has a small child and that there is nobody to keep her child. The child, in this case, is six years old and there are grandparents available to look after the child. The respondent is willing to pay all expenses for travel and stay of the petitioner and her companion for every visit when the petitioner is required to attend the court at Delhi. Thus, the ground that the petitioner has no source of income is adequately met."

8. In the case in hand, it is not in dispute that the applicant is residing at her parental house at Kondajigad and she was driven out of her matrimonial house. It is also not in dispute that as on today, the applicant is required to maintain her minor daughter aged about 3 and half years. According to the applicant, there are no sufficient transport facilities available to travel from her parental village to Dharashiv.

9. No doubt, the non applicant has produced the certificate issued by the Divisional Controller, MSRTC, Dharashiv, wherein, it is certified that distance between Lohara to Dharashiv is 46 .10 kms. and Lohara to Kondajigad is 25.9 kms. However, the said certificate does not reflect about availability direct public transport facility from Kondajigad to Dharashiv. So also, if the applicant is permitted to travel by public transportation for such a distance with minor child, in that event, certainly it would cause inconvenience to her and if the proceeding is concluded in late hours, in that event, it will not be

possible for her to return to her parental house in the late night.

10. Reliance can be placed on the law laid down by the Hon'ble Supreme Court the cases of Reena Bahri V/s. Ajay Bahri, 2002 10 SCC 136, Leena Mukherjee V/s. Rabi Shankar Mukherjee, 2002 10 SCC 480, Ram Gulam Pandit V/s. Umesh J. Prasad, 2002 10 SCC 551 and Rajwinder Kaur V/s. Balwinder Singh, 2003 11 SCC 726. Therefore, considering the nature of dispute and convenience of the applicant lady, it would be just and proper to withdraw Application/Petition No. A-92/2023 pending on the file of the learned learned Family Court, Dharashiv (Osmanabad) and transfer the same to the court of learned Civil Judge, Senior Division, at Omerga Dist. Dharashiv or disposal in accordance with law.

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

ORDER

- (1) Misc. Civil application is allowed.
- (2) Application/Petition No. A-92/2023 pending on the file of learned learned Family Court, Dharashiv (Osmanabad) is hereby transferred to the court of learned Civil Judge, Senior Division, at Omerga Dist. Dharashiv for disposal in accordance with law.
- (3) The order be communicated to the concerned courts.

(Y. G. KHOBRAGADE, J.)