



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 208 OF 2025

SNEHA YOGESH AWARE AND ANOTHER
VERSUS
SAMBHAJI GANGADHAR AWARE AND OTHERS

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Advocate for Applicant : Mr. Suryawanshi Kamlakar Jalindarrao

Advocate for Respondents : Mr. Pankaj Bharat

...

CORAM : ABHAY J. MANTRI, J.

DATE : 22ND APRIL, 2026

PER COURT :

1. Applicant, wife, has filed this Application seeking transfer of PWDVA Application No. 45/2024, pending before the learned Judicial Magistrate First Class, Shevgaon, District Ahmednagar, to the learned Judicial Magistrate First Class, Aurangabad.
2. Heard the learned Advocates for both parties and perused the record.
3. It appears that on 16.10.2025, the Respondent appeared in the matter. However, he failed to file the reply to the Application, which itself indicates that the Respondent has no grievance about the averments in the Application. On that ground alone, the Application is required to be allowed.
4. However, the Applicant contended that initially she was residing at Shevgaon. Thereafter, for the purpose of her daughter's

education, she shifted to Aurangabad, and she has been residing there. To show that she is residing in Aurangabad, the learned Advocate for the Applicant pointed out the School fees receipt dated 07.03.2025 of Gurukul Olympiad School and the Aadhaar Card, wherein her address is mentioned as Aurangabad. These two documents confirm that the Applicant now resides in Aurangabad. As per Section 27 of the Protection of Women from Domestic Violence Act, the Court has jurisdiction where the Applicant is temporarily residing; therefore, in my view, the Applicant is entitled to seek transfer of the proceedings from Shevgaon to Aurangabad. Apart from that, it is contended that she has no source of income and that it is inconvenient for her to travel to and attend the proceedings at Shevgaon with her minor daughter.

5. 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.

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 at Shevgaon, 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 allow the Application.

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

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

(ABHAY J. MANTRI, J.)