



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

928 MISC.CIVIL APPLICATION NO. 214 OF 2025

AYESHA QAMAR BELIM
VERSUS
QAMAR RAFIQ BELIM

...
Advocate for Applicant : Mr. Jangada Suyashkumar Santosh
...

CORAM : Y.G. KHOBRAGADE, J.
DATE : 28.01.2026

PER COURT :

1. Heard the learned counsel Mr. Jangada, appearing for the applicant at length.
2. Though the learned counsels Ms. Sada Khatoon Shaikh, Mr. Mohammad Azaruddin Shaikh and Mr. Abdulla B. Peerzade have filed their Vakalatnamas on behalf of the non applicant, however, none appeared.
3. By the present application, the applicant-wife prays for transfer of matrimonial proceeding bearing petition No. B-24 of 2025 pending on the file of learned Family Court, Pune to the file of learned Family Court, Parbhani, District Parbhani.
4. It is the contention of the applicant that, on 17.04.2019 her marriage was solemnized with the non applicant and out of the said wedlock a mail child namely Raza, aged about 6 was blessed to them.

However, she was ill-treated at the hands of the non applicant and his family members. Ultimately, she was compelled to stay with her parents at Parbhani. Therefore, on 12.08.2024 she lodged the First Information Report against the present non applicant and her in-laws with Kotwali Police station, Parbhani, for the offence punishable under Section 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code. However, non applicant with an ulterior motive has filed a petition B-24 of 2025 under the Mohammadan Law, before the Family Court, Pune seeking a decree of divorce. The distance between the Pune and Parbhani is about 450 k.m., therefore, inconvenience is being causing to her to travel from Parbhani to Pune with minor son. She is facing financial crisis and is unable to incur expenses. However, even if she attends the proceeding at Pune, in that event she would face lodging and boarding problem.

5. The non applicant has not resisted the present application for transfer.

6. In NCV Aishwarya Vs. A.S. Sarvana Karthik Sha -2022, SCC Online SC 1199 wherein, it has been held that:

“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. "

7. Therefore, considering the law laid down in above cited case, it would be just and proper to withdraw the Petition No.B-24 of 2025 from the file of learned Family Court, Pune and it be transferred to the file of learned Family Court, Parbhani.

8. In view of the above discussion, the present application is allowed.

9. The Petition No. B-24 of 2025 pending on the file of learned Family Court, Pune is hereby withdrawn and transferred to the file of learned Family Court, Parbhani for trial and disposal according to law.

10. The said order be communicated to both the Courts.

(Y.G. KHOBRAGADE, J.)