



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 222 OF 2025

ASHWINI MAHENDRA MARATHE ALIAS
ASHWINI SHANTARAM GHULE
VERSUS
MAHENDRA VITTHAL MARATHE

...
Advocate for Applicant : Mr. Shilpa Dhuraji Magre
Advocate for Respondent : Mr. Chandrasen Ashruba Shingare

...
CORAM : ABHAY J. MANTRI, J.
DATE : 18TH APRIL, 2026

PER COURT :

1. Applicant/wife has filed an Application for transferring the proceeding filed by the respondent bearing Marriage Petition No. 253/2025 from the Court of Civil Judge Senior Division, Pune, to the Family Court, Jalgaon, as the applicant is residing at Jalgaon.
2. Heard learned Advocate for the Applicant and the Respondent. Perused the record.
3. The marriage of the Applicant and the Respondent was solemnized on 29.05.2019, at Jalgaon. Thereafter, they resided together, and during the wedlock, the applicant begot a son, Ishan. However, due to ill-treatment and harassment suffered by her since 2014, she has been residing with her parents at Jalgaon. She has filed a criminal complaint under Sections 85, 115(2), 352, 355, and 3(5) of the Bhartiya Nyaya

Sanhita (for short, the '**BNS**' Act) against the Respondent and others, and the same is pending before the Judicial Magistrate First Class, Jalgaon. It is contended that the Respondent has filed the petition under Section 9 of the Hindu Marriage Act, for Restitution of conjugal rights before the court of Civil Judge Senior Division, Pune. Therefore, the Applicant has moved this Application seeking transfer of the HMP proceedings to the Jalgaon court as she is facing a financial crisis. Also, it will be inconvenient for her to travel from Jalgaon to Pune, a distance of more than 400 km, and difficult for her to stay there.

4. Learned Advocate for the Respondent strongly opposed the Application on the ground that the Applicant can travel from Jalgaon to Pune. Therefore, there is no need to transfer the proceedings from Pune to Jalgaon, and as such, he urged for the rejection of the Application.

5. Considering the rival contentions of the parties and the fact that the Applicant is residing at Jalgaon and she has no source of income, it is very difficult for her to bear the expenses to attend the said proceedings. Also, she has a minor son and has to look after him; therefore, she is unable to attend the proceedings in Pune.

6. 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.

7. Having considered the facts that the Applicant has no income source and it is inconvenient for the Applicant to travel and attend the proceedings at Pune, 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 the Case of *Aishwarya (supra)*, in my opinion, it would be appropriate to transfer the HMP proceeding from the court of Civil Judge Senior Division, Pune, to the Family Court, Jalgaon, to avoid the inconvenience caused to the applicant.

8. As a result, the 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.)

SP