



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 223 OF 2025

KARUNA W/O TRISHARAN CHAHANDE

VERSUS

TRISHARAN S/O RAJU CHAHANDE

...

Advocate for Applicant : Mr. Ujwal Subhash Patil

Advocate for Respondent : Mr. Navin S. Shah

h/f. Mr. S.S. Patil

...

CORAM : ABHAY J. MANTRI, J.

DATE : 18TH APRIL, 2026

PER COURT :

1. The Applicant has filed this Application for transferring the Petition No. A-1240/2022, pending before the learned Family Court, Nagpur, to the Court of Civil Judge Senior Division, Chalisgaon.
2. Heard learned Advocates for both parties and perused the record.
3. On 28.11.2021, the marriage of the Applicant and the Respondent was solemnised at Chalisgaon, and after cohabiting together for some time, on 10.04.2022, the Applicant left the house and started residing with her parents at Chalisgaon.
4. It further appears that the husband has filed the Petition under Section 10 of the Hindu Marriage Act for seeking judicial separation between them on the ground of cruelty. Similarly, Applicant

has filed HMP No. 258/2023, under Section 9 of the Hindu Marriage Act, Application under Section 12 of the Protection of Domestic Violence Act and maintenance proceeding before the Court at Chalisgaon, and the same are pending there. Therefore, the Applicant has moved the Application for transferring the HMP proceeding bearing no. A-1240/2022 from Nagpur to Chalisgaon.

5. Learned Advocate for the Respondent vehemently resisted the Application on the ground that the Applicant has made a false statement in the Application. Therefore, on the ground alone, she is not entitled to the relief as claimed. He also relied on paragraph nos. 4, 6, and 7 of the affidavit-in-reply and contended that no prejudice would be caused to the Applicant if the matter is not transferred from Nagpur to Chalisgaon, as the Applicant was serving in the company, namely, E Soft Technologies, and she was residing in Mumbai. Therefore, she is accustomed to a fast and crowded life in Metro City. Therefore, he urged that the application be rejected.

6. No doubt as contended by the learned Advocate for the respondent that the Applicant has made an incorrect statement in her application that the Respondent is to give the counter to the proceeding filed by her and to harass her, filed the petition bearing no. A-1240/2022'. In fact, the Petition no. A-1240/2022, has been filed prior

in time than the three proceedings filed by the Applicant and, therefore, the question of countering the proceeding does not arise.

7. Apart from that, it appears that three proceedings between the same parties are pending at Chalisgaon. Therefore, to avoid the multiplicity of trials on the same issues and the conflict of decisions, it would be appropriate to transfer the HMP proceeding pending before the Nagpur court to the Chalisgaon court.

8. Apart from that, the Applicant is residing at Chalisgaon. She does not have an income source and, therefore, attending the Court proceeding in Nagpur would cause her inconvenience. It is not feasible for her to attend the proceedings at Nagpur by travelling more than 400 km.

9. 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.

10. 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.

11. 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 Nagpur, it apparently indicates that she will have to endure hardship and suffering. Consequently, in view of the dictum laid down by the Hon'ble Supreme Court in *Aishwarya (supra)*, in my opinion, it would be appropriate to transfer the Petition No. A-1240/2022, pending before the learned Family Court, Nagpur, to the Court of Civil Judge Senior Division, Chalisgaon.

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

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

(ABHAY J. MANTRI, J.)

SPC