



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 MISC.CIVIL APPLICATION NO. 236 OF 2025

Sampada Bhalchandra Mukhedkar Alias Sampada Bhavanidas Musrif

VERSUS

Bhalchandra Shivkumar Mukhedkar

...

Mr. Joshi Ajinkya Anand, Advocate for Applicant

Mr. Kunal A. Kale a/w Mr. Nilanjan J. Pande, Advocate for Non
applicant

CORAM : Y. G. KHOBRADE, J.

Dated : 18th March, 2026

PER COURT :-

1. The parties to the present application were referred to the mediation vide order dated 21.01.2026. However, on 07.03.2026, the learned Mediator, submitted a Mediation failure report. It is taken on record and marked as 'X' for identification. Therefore, the parties are called upon to argue the matter on merit

2. Heard learned counsel appearing for the applicant and learned counsel appearing for the non applicant at length.

3. By the present application under section 24 of the Civil Procedure Code, the applicant wife is seeking transfer of Civil M. A. No. 09 of 2025 pending on the file of learned Civil Judge, Senior Division, Khed, District Ratnagiri to the court of learned Family Court, Nanded.

4. Admittedly, the marriage between the applicant and the non-

applicant was solemnized on 03.03.2024 at Nanded. After the marriage, the applicant cohabited with the non-applicant. However, subsequently, the non-applicant subjected the applicant to ill-treatment and cruelty on various grounds, leading to marital discord between them. Consequently, she started residing with her parents at Nanded. Thereafter, the non-applicant filed proceedings bearing Civil Misc. Application No. 9 of 2025 before the learned Civil Judge, Senior Division, Khed, District Ratnagiri seeking a decree of divorce.

5. The learned counsel for the applicant canvassed that the applicant is a housewife and residing with her parents at Nanded. The non-applicant is serving at Khed, Dist. Nanded. Since the distance between Nanded and Ratnagiri is about 650 kilometers as also there is lack of direct transportation facility, it will be inconvenient for the applicant to travel and bear the travelling expenses.

6. In the case of ***N.C.V. Aishwarya Vs. A. S. Saravana Karthik Sha (Civil Appeal No.4894/2022)*** decided by the Hon'ble Supreme Court on 18.07.2022, in paragraph No.9, it is 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."

10. It is well settled that, while transferring any matrimonial proceeding from one Court to another, the convenience of the wife/female is required to be taken into consideration. Therefore, considering the law laid down by the Hon'ble Supreme Court in the above cited case, it is necessary to withdraw Civil M. A. No. 09 of 2025 pending on the file of learned Civil Judge, Senior Division, Khed, District Ratnagiri and transfer the same to the learned Family Court, Nanded for disposal in accordance with law.

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

ORDER

- (1) Misc. Civil application is allowed.
- (2) Civil M. A. No. 09 of 2025 pending on the file of learned Civil Judge, Senior Division, Khed, District Ratnagiri is hereby transferred to learned Family Court, Nanded for disposal in accordance with law.
- (3) The Non applicant shall be at liberty to appear through Video Conferencing facility, in case he is having difficulty to personally appear before the family Court, Nanded.
- (3) The order be communicated to the concerned courts.

(Y. G. KHOBRAGADE, J.)