



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO. 258 OF 2025

Snehal Sumit Ingale

..APPLICANT

VERSUS

Sumit Vinayak Ingale

..RESPONDENT

....
Mr. S.B. Choudhari, Advocate for Applicant

Mr. V.S. Undre, Advocate for Respondent
....

CORAM : ABHAY J. MANTRI, J.

DATE : 21st APRIL, 2026

PER COURT :

1. The Applicant, Wife, has moved this Application for the transfer of the divorce proceeding, i.e. Petition No. A-57 of 2025 pending before the learned Family Court, Jalgaon, to the learned C.J.S.D., Beed.

2. Heard learned counsel for both parties. Perused the record.

3. The marriage between Applicant and Respondent took place on 31st January, 2020, at Chhatrapati Sambhajanagar. From the said wedlock, one daughter was born to the Applicant. After cohabiting for two years, the Applicant was driven out of the matrimonial house in April 2022, and since then, she has been living at her parents' house in Amalner. She has also filed domestic violence proceedings in the Court of Learned J.M.F.C., Patoda and one proceeding under Section 9 of the Hindu Marriage Act for restitution of

conjugal rights in the Court of Learned C. J. S. D., Beed. To counter the same, the Respondent has filed divorce proceedings, i.e. Petition No. A-57 of 2025, before the learned Family Court, Jalgaon. Therefore, the Applicant has preferred this Application to transfer the said proceeding to the Court at Beed.

4. It is also contended that the Applicant is residing at Jalgaon. Therefore, it is inconvenient for her to travel to Jalgaon, 325 km away, to attend the divorce proceedings pending there. away. The Applicant is also unable to bear the financial burden of travelling and attending the proceedings at Jalgaon. Similarly, she has filed a proceeding for restitution of conjugal rights before the Court of C.J.S.D., Beed. Therefore, it is contended that it would be appropriate to transfer the proceedings from the learned Family Court, Jalgaon, to the Court of C.J.S.D., Beed, to avoid causing multiplicity of the litigation and inconvenience to her.

5. The Hon'ble Supreme Court in the Case of *N.C.V. Aishwarya Versus 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 Jalgaon, 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 divorce proceeding, i.e. Petition No.A-57 of 2025 pending before the learned Family Court, Jalgaon, to the Court of learned C.J.S.D., Beed.

7. As a result, *Miscellaneous Civil 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.)