



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO. 271 OF 2025

Pratiksha Anil Pagar alias Sunita
Sakharam Nikam

..APPLICANT

VERSUS

Anil Vishnu Pagare

..RESPONDENT

....
Mr. V.P. Adkine, Advocate h/f Mr. A.A. Khande, and Mr. A.P. Kale, Advocates
for Applicant

....
CORAM : ABHAY J. MANTRI, J.
DATE : 23rd APRIL, 2026

PER COURT :

1. By this Application, the Applicant seeks to transfer the divorce proceeding bearing HMP No. A-877 of 2024 pending before the learned Family Court, Nashik, to the learned Family Court, Aurangabad.

2. Heard learned counsel for the Applicant. None appears for the Respondent, though served, nor did he file the reply, which leads to the inference that the Respondent has no grievance about the averments made in the Application. Perused the record.

3. The Appellant got married to the Respondent on 08th July, 2017. After cohabiting with the Respondent for some years, the Applicant began residing separately in November 2024. Thereafter, she has filed a proceeding under Section 9 of the Hindu Marriage Act for restitution of conjugal rights against the Respondent. She also filed proceedings under the Domestic

Violence Act, for maintenance u/s 125 of the Cr. P. C., and under Section 498-A of the Indian Penal Code before the concerned Courts in Aurangabad. To counter the said proceedings, the Respondent has filed a divorce proceeding against the Applicant at the Family Court, Nashik. Therefore, the Applicant has moved this Application.

4. The Applicant contended that she has no income source and it is inconvenient for her to travel and attend the proceedings at Nashik, which is 180 kms. away. The Applicant is also unable to bear the financial burden of travelling and attending the proceedings at Nashik. Similarly, she has filed several proceedings before the concerned Courts at Aurangabad. Therefore, it is contended that it would be appropriate to transfer the proceedings from the learned Family Court, Nashik, to the Family Court, Aurangabad, to avoid causing multiplicity of 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 Nashik, 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 bearing HMP No. A-877 of 2024 pending before the learned Family Court, Nashik, to the learned Family Court, Aurangabad.

7. Consequently, *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.)