



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 MISC.CIVIL APPLICATION NO. 272 OF 2025

Dhanshli Akash Surwase

VERSUS

Akash Annarao Surwase

...

Mr. Manwatkar Dinesh Umakant, Advocate for Applicant

Mr. Maroti G. Kedar, Advocate for Respondent

CORAM : Y. G. KHOBRAGADE, J.

Dated : 8th April, 2026.

PER COURT :-

1. Heard learned counsel appearing for the applicant and learned counsel appearing for the non applicant at length.
2. By the present application under section 24 of the Civil Procedure Code, the applicant wife is seeking transfer of Civil M. A. No. 11 of 2024 pending on the file of learned Additional District and Sessions Judge, Nilanga Dist. Latur to the court of learned al District and Sessions Judge, Aurangabad.
3. Admittedly, the marriage between the applicant and the non-applicant was solemnized on 12.05.2019 as per the customs and rites prevailing in their society. After the marriage, the applicant cohabited with the non-applicant. Out out the wedlock, the applicant and non applicant are blessed with a female child, now aged about four years and studying in Senior K.G. in Little Angel School, Aurangabad. However, 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 Aurangabad alongwith her minor child. Thereafter, present applicant filed a proceeding bearing PWDVA No.396 of 2024 before the JMFC, Aurangabad. However, the non-applicant filed proceedings bearing Civil M. A. No. 11 of 2024 before the learned Additional District and Sessions Judge, Nilanga Dist. Latur seeking custody of minor daughter.

4. The learned counsel for the applicant canvassed that the applicant is residing with her parents at Aurangabad alongwith her minor child. The distance between Aurangabad and Nilanga is about 350 kilometers. Therefore, it will be inconvenient for the applicant to travel with a minor child. It is further canvassed that the non applicant, who is already facing trial of PWDVA No.396 of 2024 before the JMFC, Aurangabad can also attend the proceeding for custody of the child, if it is transferred at Aurangabad.

5. The learned counsel for the non applicant husband submits that the non- applicant is serving in a private School and it will not be possible for him to personally appear on each and every date at Aurangabad, therefore, he seeks leave to attend the proceeding through video conferencing.

10. It is well settled that while transferring proceedings from one court to another, the convenience of the lady is a paramount consideration. Therefore, considering the nature of dispute and convenience of the applicant- lady, it would be just and proper to

withdraw Civil M. A. No. 11 of 2024 pending on the file of learned Additional District and Sessions Judge, Nilanga Dist. Latur and transfer the same to the court of learned Principal District and Sessions Judge, Aurangabad for decision 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. 11 of 2024 pending on the file of learned Additional District and Sessions Judge, Nilanga Dist. Latur is hereby transferred to court of learned Principal District and Sessions Judge, Aurangabad for disposal in accordance with law.
- (3) After transfer of the proceeding, the Principal District and Sessions Judge, Aurangabad shall be at liberty to deal with the matter himself or to assign the same to any other competent court under his jurisdiction.
- (3) The Non applicant shall be at liberty to attend the proceeding through Video Conferencing facility, in case his personal presence is not required.
- (3) The order be communicated to the concerned courts.

(Y. G. KHOBRADE, J.)