



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

944 MISC.CIVIL APPLICATION NO. 278 OF 2025

**BHAGYASHREE W/O KIRAN KAMBLE
VERSUS
KIRAN S/O UDDHAV KAMBLE**

.....
Advocate for the Applicant : Mr. Vishnu Kande h/f. Ajinkya S Reddy
Advocate for the Respondent : Mr. Prashant Deshmukh
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**CORAM : Y.G. KHOBRAGADE, J.
DATE : 09.04.2026**

PC.:-

1. Heard the learned counsels appearing for the applicant and the non-applicant at length.
2. By the present application under Section 24 of the C.P.C. the applicant/wife is seeking transfer of HMP No.64/2025 from the file of learned C.J.S.D., Omerga, Dist. Dharashiv to the file of learned C.J.S.D., Ahmedpur, Dist. Latur.
3. Admittedly, on 03.06.2024 the marriage between the applicant/wife and non-applicant was solemnized as per the customs and rights prevailing in their society. However, due to marital discord the applicant/wife has filed proceeding bearing No.PWDVA No.24/2025 before

the JMFC, Ahmedpur under the provisions of Protection of Women from Domestic Violence Act, 2005, whereas, the non-applicant/husband has filed HMP No.64/2025 seeking decree of restitution of conjugal rights before the learned C.J.S.D., Omerga, Dist. Dharashiv. The distance between Ahmedpur to Omerga is about 125 to 150 kms and the applicant/wife is having no source of income. Therefore, the applicant/wife cannot be compelled to travel from her paternal house at Ahmedpur to Omerga. Therefore, considering the law laid down in the cases of **N.C.V. Aishwarya V/s. A.S. Saravana Kartik Sha; 2022 SCC OnLine SC 1199, Sumita Singh vs Kumar Sanjay And Anr.; AIR 2002 SC 396 and Vaishali Shridhar Jagtap V/s. Shridhar Vishwanath Jagtap; AIR 2016 SC 3584**, it would be just and proper to transfer HMP No.64/2025 from the file of the learned C.J.S.D., Omerga, Dist. Osmanabad to the file of learned C.J.S.D., Ahmedpur, Dist. Latur.

4. In view of above discussion, the present application is allowed in terms of prayer clause-B. No order as to the costs.

5. This order be communicated to both the Courts.

[Y.G. KHOBRAGADE, J.]