



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

929 MISC.CIVIL APPLICATION NO. 295 OF 2025

Sultana Imran Pinjari

VERSUS

Imran Rahim Pinjari

...

Mr. Nitin S. Salunke Mr. Kulkarni Suniket Anil, Advocate for Applicant
Mr. G. V. Wani, AGP for Respondent State

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 Regular Civil Suit 158 of 2024 pending on the file of learned Civil Judge, Junior Division, Jamner, District Jalgaon to the court of learned Civil Judge, Junior Division, Dhule.
3. It is not in dispute that the applicant and non applicant are following Islam religion. The marriage between the applicant and the non-applicant was solemnized on 07.11.2023 at Dhule as per custom and rites prevailing in their society. After the marriage/Nikah, the applicant cohabited with the non-applicant at her matrimonial house. 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 Dhule. Thereafter, the non-applicant filed proceedings bearing Regular Civil Suit 158 of 2024 before the learned Civil Judge, Junior Division, Jamner, District Jalgaon seeking a decree of restitution of conjugal rights.

4. The learned counsel for the applicant canvassed that the applicant is a housewife and residing with her parents at Dhule. The non applicant is serving Military at Manipur and he is attending the said proceeding through his father and the non-applicant never attended the said proceeding. Since the distance between Dhule and Jamner is about 160 kilometers, it will be inconvenient for the applicant to travel and bear the travelling expenses.

5. The learned counsel for the applicant placed reliance on the *N.C.V Aishwarya Vs. A. S. Saravana Karthik Sha (Civil Appeal No.4894/2022)*, *Sumita Singh Vs. Kumar Sanjay & another, AIR 2002 SC 396*, *Sunita Baliram Pande Vs. Baliram Hribhau Pande 2012 (2) MhLJ 143*.

6. The learned counsel for the non-applicant strongly opposed the application on the ground that the non-applicant has already instituted Regular Civil Suit No. 158 of 2024 before the learned Civil Judge, Junior Division, Jamner, seeking a decree for restitution of conjugal rights. It is submitted that the aged parents of the non-applicant are attending the said proceedings. Therefore, if the said

proceeding is transferred from the file of the learned Civil Judge, Junior Division, Jamner to the file of the learned Civil Judge, Junior Division, Dhule, greater inconvenience would be caused to them, hence prayed for rejection of the application.

7. 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 in the above cited cases, it is necessary to withdraw Regular Civil Suit 158 of 2024 from the file of learned Civil Judge, Junior Division, Jamner, District Jalgaon to the court of learned Civil Judge, Junior Division, Dhule for disposal in accordance with law.

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

ORDER

- (1) Misc. Civil application is allowed.
- (2) Regular Civil Suit 158 of 2024 pending on the file of learned Civil Judge, Junior Division, Jamner, District Jalgaon is hereby transferred to learned Civil Judge, Junior Division, Dhule for disposal in accordance with law.
- (3) The order be communicated to the concerned courts.

(Y. G. KHOBRADE, J.)