



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 300 OF 2025

VAISHNAVI ROHIT DERE

VERSUS

ROHIT VIJAY DERE

...

Advocate for Applicant : Mr. Pawar Amol Ajay

Advocate for Respondent : Mr. Surendra V. Suryawanshi

...

CORAM : ABHAY J. MANTRI, J.

DATE : 20TH APRIL, 2026

PER COURT :

1. The Applicant has filed this Application seeking transfer of the divorce proceeding bearing Marriage Petition No. 566/2025, pending before the learned Civil Judge Senior Division, Junnar, to the Court of the learned Civil Judge Senior Division, Rahata, District Ahilyanagar.
2. Heard learned Advocates for both parties. Perused the record.
3. It appears that on 30.06.2024, the Applicant was married to the Respondent. After cohabiting for some time, on 12.12.2024, Respondent drove her away from the house, and since then, she has been residing with her parents.
4. It also appears that Applicant has filed a Domestic Violence proceeding before the learned Judicial Magistrate First Class, Rahata.

Similarly, the Respondent has filed the divorce proceeding bearing Marriage Petition No. 566/2025 before the learned Civil Judge Senior Division, Junnar; therefore, the Applicant has moved this Application.

5. The Hon'ble Supreme Court in the *N.C.V. Aishwarya Vs. 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 source of income and it is inconvenient for her to travel and attend the court proceeding at Junner, i.e. 130 kms away from Rahata, it

apparently indicates that she will have to face hardship and suffering. Consequently, in view of the dictum laid down in the judgment of *Aishwarya (supra)*, in my view, it would be appropriate to transfer the divorce proceeding bearing Marriage Petition No. 566/2025, pending before the learned Civil Judge Senior Division, Junnar, to the Court of the learned Civil Judge Senior Division, Rahata, District Ahilyanagar.

7. As a result, *the Application is allowed in terms of prayer clause 'B'.*
8. **The Application is disposed of. No order as to costs.**

(ABHAY J. MANTRI, J.)

SPC