



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

949 MISC.CIVIL APPLICATION NO. 308 OF 2025

SHILPA MOHAN SHUKLA
VERSUS
MOHAN MANIK SHUKLA

...
Advocate for Applicant : Mr. Shingare Chandrasen Aashruba
Respondent/non applicant is Served.
...

CORAM : Y.G. KHOBRADE, J.
DATE : 28.01.2026

PER COURT :

1. Heard the learned counsel Mr. Shingare, appearing for the applicant at length.
2. Though the respondent/non applicant is duly served but failed to appear.
3. By the present application, the applicant-wife prays for transfer of matrimonial proceeding bearing No. 190 of 2025, filed by the non applicant, pending on the file of learned Civil Judge Senior Division, Pune to the file of learned Civil Judge Senior Division, Majalgaon, District Beed.
4. It is the contention of the applicant-wife that on 28.01.2012, her marriage was solemnized with the non applicant at Dharur, Tq. Dharur, Dist. Beed, according to customs and rites prevailing in their society and out of said wedlock, they are blessed with a male child

namely Viraj, aged about 11 years. However, time and again she was ill-treated at the hands of the non applicant and his family members. Thereafter, she was driven out of matrimonial house by the non applicants. Therefore, on 19.06.2014, she filed a complaint bearing no 43 of 2014, before the Judicial Magistrate First Class, Dharur, against the non applicant and his family members. However, non applicant with an ulterior motive has filed a Petition No. 190 of 2025 seeking a decree of divorce before the learned Civil Judge Senior Division, Pune.

5. The distance between Pune and Beed is about 400 k.m. Therefore, the applicant-wife is facing inconvenience to travel from Beed to Pune along with minor son and she is also facing financial crisis and is unable to incur expenses of herself and minor child. However, if she attends the proceeding at Pune, in that event she would face lodging and boarding problem.

6. The non applicant inspite of service has not resisted the present application for transfer.

7. The learned counsel for the applicant relied on the case of **NCV Aishwarya Vs. A.S. Sarvana Karthik Sha -2022, SCC Online SC 1199**, wherein, it has been held that,

“9. 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, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the

spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio- economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer. "

8. Therefore, considering the above cited case, it would be just and proper to withdraw the petition bearing No. 190 of 2025 filed by the non applicant, which is pending on the file of learned Civil Judge Senior Division, Pune and transfer ot to the file of learned Civil Judge Senior Division, Majalgaon, District Beed.

9. In view of the above discussion, the present application is allowed.

10. The petition No. 190 of 2025 filed by the non applicant which is pending on the file of learned Civil Judge Senior Division, Pune is hereby withdrawn and transferred to the file of learned Civil Judge Senior Division, Majalgaon, District Beed for trial and decision in accordance with the law.

11. This order be communicated to both the Courts.

(Y.G. KHOBRAGADE, J.)