



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 311 OF 2025

JYOTI NITIN PATIL

VERSUS

NITIN RAGHUNATH PATIL

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Advocate for Applicant : Mr. Syed Azizoddin R.

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CORAM : ABHAY J. MANTRI, J.

DATE : 20TH APRIL, 2026

PER COURT :

1. Heard the learned Advocate for the Applicant. None appears for the Respondent, though served.
2. Learned Advocate for the Applicant submitted that the Applicant has uploaded the affidavit of service of the notice on the Respondent on 16.04.2026, affirming that the notice was duly delivered/served on the Respondent on 20.03.2026. Despite the said service, none appears for the Respondent.
3. By this Application, the Applicant seeks transfer of the proceeding bearing HMP No. 199/2025, pending before the learned Civil Judge Senior Division, Bhusawal, to the Court of the learned Civil Judge Senior Division, Kalyan, District Thane.
4. Perused the record.

5. The marriage between the Applicant and the Respondent was solemnised on 08.12.2013, at the village Pilode, Taluka Yaval, District Jalgaon. During the wedlock, they are blessed with a baby girl. On 12.11.2024, the Applicant was deserted by the Respondent. Then, the Respondent filed HMP No. 199/2025 under Section 9 of the Hindu Marriage Act before the learned Civil Judge, Senior Division, Bhusawal, with a view to harassing her. The Applicant has no source of income, and it will be very difficult for her to attend the said proceeding in Bhusawal, which is more than 400 km away. Similarly, the minor child of ten years is staying with her; therefore, it would cause her inconvenience to attend the proceedings with a child. Therefore, she has moved this Application.

6. Applicant has also filed an Application under Section 12 of the Domestic Violence Act, before the Ulhasnagar Court, which is now shifted to Kalyan. Similarly, learned Advocate for the Applicant has pointed out from the Petition that the Respondent himself resides in Ulhasnagar. However, with a view to harassing the Applicant, he has filed the petition before the Court of Bhusawal. Therefore, Applicant prays to transfer the Application from the Bhusawal Court to the Court of the learned Civil Judge, Senior Division, Kalyan. *Prima facie*, I find substance in his contention.

7. The Hon'ble Supreme Court in the Case of *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.

8. Having considered the above facts that the Applicant has no income source and it is inconvenient for her to travel and attend the proceedings at Kalyan, which is 400 km away, it apparently indicates that she will have to endure hardship and suffering. Consequently, in view of the dictum laid down by the Hon'ble Apex Court in the Case of

Aishwarya (supra), in my opinion, it would be appropriate to transfer of the proceeding bearing HMP No. 199/2025, pending before the learned Civil Judge Senior Division, Bhusawal, to the Court of the learned Civil Judge Senior Division, Kalyan, District Thane.

9. As a result, **the Application is allowed in terms of the prayer clause 'C'.**

10. The Application is disposed of. No order as to costs.

(ABHAY J. MANTRI, J.)

SPC