



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

950 MISC.CIVIL APPLICATION NO. 312 OF 2025

SHITAL MANGESH AHIRE ALIAS SHITAL D/O PANDITRAO MAHALE
VERSUS
MANGESH AMBADAS AHIRE

...
Advocate for Applicant : Mr. Menezes Joslyn Anthony
...

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

PER COURT :

1. Heard the learned Counsel Mr. Anthony, appearing for the applicant at length.
2. Though the learned counsel Mr. Vijay Shivaji Wakale filed his Vakalatnama on behalf of the non applicant, but he has failed to appear.
3. By the present application, the applicant-wife prays for transfer of matrimonial proceeding i. e. Hindu Marriage Petition No. 93 of 2025, filed by the non applicant-husband, which is pending on the file of learned Civil Judge Senior Division, Malegaon, to the file of learned Family Court, Aurangabad, District Aurangabad.
4. It is the contention of the applicant-wife that their marriage

was solemnized with respondent/non-applicant in the year 2005 at Kannad, District Aurangabad. Out of the said wedlock they are blessed with two issues i.e. daughter Gargi and son Arnav. The non applicant and his family members harassed her and doubted her chastity. Ultimately, she preferred Hindu Marriage Petition bearing No. A-397 of 2023 at Family Court at Aurangabad.

5. The distance between Aurangabad and Malegaon is approximately 160 Kms. The applicant submits that the applicant is having two children and she has to take care of them and therefore, she is facing inconvenience to travel from Aurangabad to Malegaon with minor children to attend the said proceeding. She is also in financial crisis and is unable to incur expenses. However, if she attends the proceeding at Malegaon, in that event she would face lodging and boarding problem there.

6. In spite of service, the non applicant has not resisted the present application for transfer.

7. The learned counsel for the applicant relied upon 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 law, it would be just and proper to withdraw the Hindu Marriage Petition No. 93 of 2025, from the file of learned Civil Judge Senior Division, Malegaon and transfer it to the file of learned Family Court, Aurangabad.

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

10. The Hindu Marriage Petition No. 93 of 2025, pending on the file of learned Family Court, Malegaon, is hereby withdrawn and transferred to the file of learned Family Court, Aurangabad, District Aurangabad for trial and disposal according to the law.

11. This order be communicated to both the Courts.

(Y.G. KHOBRAGADE, J.)