



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

951 MISC.CIVIL APPLICATION NO. 313 OF 2025

SAYLI WO AKSHAY PAWAR
VERSUS
AKSHAY S/O SATISH PAWAR

...
Advocate for Applicant : Mr. Ujwal Subhash Patil (through V.C.)
Advocate for Respondent : Mr. V.C. Patil h/f Mr. P.B. Vikhe Patil
...

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

PER COURT :

1. Heard the learned Counsel Mr. Ujwal Patil appearing for the applicant through Video Conferencing and learned Counsel Mr. V.C. Patil h/f. Mr. Vikhe Patil, appearing for the non-applicant, at length.
2. By the present application, the applicant-wife seeks transfer of matrimonial proceeding bearing Marriage Petition No. A1729 of 2025, from the file of learned Family Court Pune, to the file of the learned Civil Judge Senior Division Chalisgaon.
3. Having regard to the submissions canvassed on behalf of both the sides, I have gone through the application.
4. It is a matter of record that on 18.01.2023 the marriage between the applicant and the non applicant was solemnized at Chalisgaon, as per the customs and rites prevailing in their society. It is also not in dispute that out of the said wedlock the parties to the present

application were blessed with a male child on 14.05.2024 and as on today the said child is about one and half years old. It is a matter of record that, the non-applicant is serving in private sector at Pune, however, due to marital discord the applicant was compelled to stay at her parental house at village Chalisgaon, District Jalgaon. The distance between Jalgaon and Pune is more than 300 k.m. The non applicant has instituted a petition bearing No. A-1729 of 2025 under Section 13 (1) of the Hindu Marriage Act and praying for decree of dissolution of marriage. Therefore, under these circumstances, if the applicant is compelled to attend the proceeding before the Family Court, Pune, in that event, certainly it would cause inconvenience to travel alongwith the minor child. The applicant is facing financial problem. Not only this, but no lodging and boarding facilities are available at Pune. The learned counsel appearing 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. ”

5. The learned Counsel for the applicant also relied upon the case case of **Manoj s/o Dnyaneshwar Sattyavijay v. Rinku Manoj Sattyavijay - 2025 DJLS (Bom.) 2615** , equivalent [2026 (1) Mh. L.J. 21.], wherein it is held that

“4) Having regard to the totality of the facts, I find the balance of convenience in favour of the husband. His responsibilities towards his two young children, his aged parents, and the management of his livelihood are such that directing him to contest the proceedings at Thane would cause substantial hardship. The wife, though semi-literate and financially constrained, has not demonstrated that travelling from Thane to Dhule is impossible. The only inconvenience for the wife would be the cost of travel, which stands adequately addressed by husband’s undertaking to reimburse all such expenses, including those of a companion travelling with her. In these circumstances, it would be appropriate that the proceedings be transferred from Thane Court to Dhule Court”.

6. Therefore, considering the above cited case laws as aforesaid, it would be just and proper to withdraw the petition bearing No. A-1729 of 2025 pending on the file of learned Family Court, Pune and transfer the same to the file of the learned Civil Judge Senior Division Chalisgaon, Taluka Chalisgaon, District Jalgaon for trial and adjudication in accordance with the law.

7. In view of the above, the application is allowed.

8. This order be communicated to both the Courts.

(Y.G. KHOBRAGADE, J.)