



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

924 MISC.CIVIL APPLICATION NO. 314 OF 2025

PRITI ABHIJIT DAHALE
VERSUS
ABHIJIT S/O RAJESHWAR DAHALE

...
Advocate for Applicant : Mr Akash Rodge h/f Mr. Mahesh Kale

...

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

PER COURT :

1. Heard the learned counsel Mr.Rodge h/f. Mr. Kale, appearing for the applicant.
2. Despite service of notice, none appeared on behalf of the non applicant.
3. By the present application, the applicant-wife seeks transfer of the matrimonial proceeding bearing Marriage Petition No. 287 of 2025 from the file of learned Civil Judge Senior Division, Aurangabad to the file of the learned Family Court, Parbhani.
4. Needless to say that, on 16.12.2011 the marriage between the applicant and the non applicant was solemnized as per the customs and rites prevailing in their society. The said marital tie is still in existence and out of the said wedlock the applicant and the non applicant are blessed with two children aged about 10 years and 8 years namely Rishita and Rutvij. However, due to marital discord, the non

applicant compelled her to stay at her parental house at Parbhani with her two minor children. Whereas, non applicant is residing at Chhatrapati Sambhajanagar and has filed Marriage Petition No. 287 of 2025 seeking a decree of dissolution of marriage. The applicant further contended that she is not financially sound and if she is compelled to attend the proceeding at Chhatrapati Sambhajanagar, in that event she would have to travel with her minor children from Parbhani to Aurangabad, the distance between these two places is 200 k.m. So also, she will also face accommodation problem at Chhatrapati Sambhajanagar.

5. Despite service, the non applicant has failed to appear in the matter and the application remained uncontested.

6. The learned Counsel appearing for the applicant placed reliance 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. ”

7. In the case in hand, it is not in dispute that the applicant is staying at her parental house at Parbhani with her minor children. The applicant is also facing financial crisis, as she has no source of income and is staying at the mercy of her parents. There is no elder member in her family to accompany her while traveling from Parbhani to Aurangabad, along with two minor children. So also, she would face lodging and boarding problem, if she is compelled to attend the proceeding before the learned Civil Judge Senior Division, Aurangabad. Therefore, considering the paramount interest of the applicant-wife and her convenience, the marriage petition No. 287 of 2025 filed by the non applicant, under Section 13 of the Hindu Marriage Act pending on the file of learned Civil Judge Senior Division, Aurangabad needs to be withdrawn and it requires to be transferred to the file of learned Family Court, Parbhani, for proper adjudication.

8. In view of the above, I am inclined to pass following order :

ORDER

- (i) The application is allowed.
- (ii) The Marriage Petition No. 287 of 2025 be transferred from the file of learned Civil Judge Senior Division, Aurangabad to the file of the learned Family Court, Parbhani.
- (iii) This order be communicated to both the Courts.

(Y.G. KHOBRAGADE, J.)