



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

929 MISC.CIVIL APPLICATION NO. 315 OF 2025

AACHAL RAJU SAUDAGAR

VERSUS

RAJU SALIM SAUDAGAR

....

Mr. V. B. Dhage, Advocate for the Applicant

Mr. Kishor R. Doke, Advocate for the Respondent

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CORAM : Y. G. KHOBRAGADE, J.

DATE : February 18, 2026

PER COURT :-

1. Heard the learned counsel for the applicant and the learned counsel for the non-applicant, at length.

2. By the present application under Section 24 of the Code of Civil Procedure, the applicant / wife is seeking transfer of R.C.S. No.212 of 2025, filed by the non-applicant / husband seeking decree of dissolution of marriage, from the file of learned Civil Judge, Senior Division, Bhoom to any other competent Court at Latur.

3. According to the applicant, her marriage was solemnized with the non-applicant on 07.01.2018 as per the

customs and rites prevailing in their society. It is further contended that after the marriage, she cohabited with the non-applicant and out of the matrimonial relations, she blessed with a female child, aged about six years. It is contended that for some period, she was well treated. However, subsequently, she was subjected to cruelty and domestic violence at the hands of the non-applicant and his family members on petty issues as well as on account of dowry. However, due to discard of matrimonial relations, she took shelter at her parental house at Latur. She was compelled to file a proceeding under Section 125 of Cr.P.C. for maintenance before the J.M.F.C. Latur. The learned J.M.F.C., passed an order on 20.01.2024 and directed the present non-applicant to pay interim maintenance at the rate of Rs.3,000/- p.m., however, subsequently, the non-applicant has filed R.C.S. No.212 of 2025 before the learned Civil Judge, Senior Division, Bhoom and prayed for decree of dissolution of marriage. According to the applicant, the distance between Bhoom and Latur is about 160 kms., and she is not find suitable and convenient to travel along with her minor baby girl from Latur to Bhoom, so also, she is not having lodging and boarding facility at Bhoom.

4. Though the learned counsel for the non-applicant strongly resisted the application, nothing has been brought on record to show how the applicant would conveniently travel 160 km from Latur to Bhoom along with her minor child. Therefore, considering the law laid down in the cases of ***N.C.V. Aishwarya V. A. S. Saravana Karthik Sha (Civil Appeal No.4894/2022)*** decided by the Hon'ble Supreme Court on 18.07.2022, wherein, in paragraph No.9, it is held as follows:-

“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. I am of the view that the R.C.S. No.212 of 2025 is liable to be withdrawn from the file of learned Civil Judge, Senior Division, Bhoom and it is to be transferred to the file of learned Family Court, Latur. Accordingly, I proceed to pass the following order:-

ORDER

- (i) The Miscellaneous Civil Application is allowed.
- (ii) R.C.S. No.212 of 2025 is hereby withdrawn from the file of learned Civil Judge, Senior Division, Bhoom and it is transferred to the file of learned Family Court, Latur, for adjudication.
- (iii) Both the parties are hereby permitted to avail the facilities of the mediator before the learned Family Court, Latur.
- (iv) This order be communicated to both the Courts.

[Y. G. KHOBRADE, J.]

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