



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

933 MISC.CIVIL APPLICATION NO. 338 OF 2025

PALLAVI W/O MAHESH GANGAWANE ALIAS PALLAVI D/O SHALIKRAM
SURADKAR
VERSUS
MAHESH S/O MURLIDHAR GANGAWANE

...
Advocate for Applicant : Mr. Pradhan Laxman K.
Advocate for Respondent : Mr. Hiwrale Gautam J.
...

CORAM : Y.G. KHOBRAGADE, J.

DATE : 26.02.2026

PER COURT :

1. Heard the learned counsel Mr. Pradhan, appearing for the applicant -wife and learned counsel Mr. Hiwrale, appearing for the non-applicant at length.
2. By the present application, filed under Section 24 of the Code of Civil Procedure, 1908, the applicant-wife is seeking transfer of matrimonial proceeding petition No. A-374 of 2025 (Mahesh s/o Murlidhar Gangawane Vs. Pallavi w/o Mahesh Gangawane @ Pallavi d/o Shalikram Suradkar), pending on the file of Principal Judge, family Court, Chhatrapati Sambhajnagar (Aurangabad), to the file of learned Principal Judge Family Court, Pune.
3. On the face of the record it appears that, on 05.05.2019 the

marriage between the applicant and the non applicant was solemnized as per the customs and rites prevailing in their society. Out of the said matrimonial relations, the applicant and the non applicant blessed with a female child namely Aradhya, who is as on today 5 years old. After the marriage, the present applicant cohabited with the non applicant at Pune, where she was serving as Mechanical Engineer. The applicant was also serving in I.T. Private Company. However, the non applicant has filed a petition bearing No. A-374 of 2025 before the Family Court, Chhatrapati Sambhajinagar (Aurangabad), seeking a decree of restitution of conjugal rights. The applicant submitted that it is very inconvenient to travel her from Pune to Chhatrapati Sambhajinagar (Aurangabad) with her school going minor daughter.

4. The learned counsel appearing for the non applicant strongly opposed the application on the ground that, it is not para-amount consideration for transfer of the petition, as per the convenience of the female, as she can travel from Pune to Chhatrapati Sambhajinagar (Aurangabad) and she can attend the proceedings. The non applicant presently working in a private sector in an industrial establishment, at Waluj (Chhatrapati Sambhajinagar), therefore, it is not possible for him to attend the proceeding at Pune if it is transferred.

5. In support of his submission the learned counsel appearing for the non applicant placed reliance on the case of **Anindita Das v. Srijit**

Das, (2006) 9 SCC 197, wherein, it is held as under :

“At one stage the Supreme Court was showing leniency to ladies. But since it has been found that a large number of transfer petitions are filed by the women taking advantage of leniency shown by the Supreme Court considering the grounds set out in the cited cases to decline the transfer of the matter and the traveling allowances were granted”.

6. It further relied on case of **Amruta v. Sachin -2025, SCC Online Bom 2808**, but the facts and circumstances of the aforesaid case are not applicable to the facts and circumstances of the non applicant's case at hand.

7. It further relied on order dated 18.02.2026 passed by the Madhya Pradesh High Court in the case of **Smt. Ekta Vaish Vs. Deepak Kuchbandiya – Misc. Civil Case No. 478 of 2026**, wherein, it is held that

“Now convenience of the wife/lady is not the paramount consideration for deciding the transfer applications and alternatives to transfer proceedings have been provided viz. through the Vidco Conferencing. If the matter is to be proved by the witnesses of the place where the matter is being prosecuted then the other side can suitably be adjusted by making payment of commute.”

8. In the case of **N.C.V. Aishwarya vs. 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 of 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”.

9. In the case in hand, the non applicant has not denied that the applicant wife is maintaining minor female child, who is a school going child. Not only this, but at the earlier point of time the non applicant was staying at Pune and he was serving with a private establishment. After the marital discord the non applicant appears to have shifted at Chhatrapati Sambhajnagar (Aurangabad), therefore, it appears that even the cause of action arose to file the proceeding at Pune. Therefore, considering all these facts and circumstances of the case as well as the case of **N.C.V. Aishwarya v. A.S. Saravana Karthik Sha** (cited supra) I am of the view that the petition No. A-374 of 2025, needs to be withdrawn from the file of learned Principal Family Court, Chhatrapati Sambhajnagar (Aurangabad) and it needs to be transferred

to the learned Principal Family Court, Pune.

10. In view of the above discussion, I am inclined to grant the present application and proceed to pass the following order :

ORDER

(i) The Misc. Civil Application is hereby allowed.

(ii) The petition No. A-374 of 2025, is hereby withdrawn from the file of learned Principal Family Court, Chhatrapati Sambhajinagar (Aurangabad) and it is transferred to the file of learned Principal Family Court, Pune for adjudication.

(iii) This order be communicated to both the Courts.

(Y.G. KHOBRAGADE, J.)