



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 MISC.CIVIL APPLICATION NO. 350 OF 2025

Anita Krishna Joshi Alias Anita Vijayrao Pande

VERSUS

Krishna Chandrakantrao Joshi

...

Mr. Deshmukh Abhay Govindrao, Advocate for Applicant

CORAM : Y. G. KHOBRADE, J.

Dated : 13th January, 2026

PER COURT :-

1. Heard learned counsel for the applicant. Despite service non-applicant failed to appear in the matter.
2. By the present application under section 24 of the Civil Procedure Code, the applicant wife is seeking transfer of Civil M. A. No. 129 of 2024, pending on the file of the learned District Court Nanded to the file of learned District Court at Parbhani, for disposal in accordance with law.
3. On perusal of the record, it appears that the marriage between the applicant and the non-applicant was solemnized on 10.07.2018 and out of the said wedlock, they are blessed with a female child. However, due to matrimonial dispute, the applicant is residing at her parental house at village Sonna, District Parbhani. Thereafter, the applicant-wife filed a proceeding bearing Misc.

Criminal Application No. 347 of 2022 under Section 125 of the Criminal Procedure Code, which is pending on the file of the learned JMFC, Selu, District Parbhani. She has also filed H.M.P No. 156 of 2023 against the non-applicant seeking a decree of divorce. Whereas, the non-applicant husband has filed proceedings bearing Civil Miscellaneous Application No. 129 of 2024, pending on the file of the learned District Court, Nanded, under Section 25 of the Guardians and Wards Act, seeking custody of the minor child. Since the applicant is residing at her parental house at Village Sonna Dist. Parbhani, it is inconvenient for her to attend the said proceeding filed by the non applicant husband at Nanded.

4. As per section 24 of the Civil Procedure while transferring a proceedings from one court to another, the convenience of the lady, who is required to attend the proceeding, is required to be considered. Though the non applicant is served with notice, he remained absent. Therefore, considering the nature of dispute and convenience of the applicant- lady, it would be just and proper to transfer Civil. M. A. No. 129 of 2024 pending on the file of learned District Court, Nanded to the file of learned District Court at Parbhani, for disposal in accordance with law.

5. In view of the above discussions, following order is passed:

ORDER

- (1) Misc. Civil application is allowed.
- (2) Civil. M. A. No. 129 of 2024 pending on the file of learned District Court, Nanded is hereby transferred to the file of the file of learned District Court at Parbhani for disposal in accordance with law.
- (3) The order be communicated to the concerned courts.

(Y. G. KHOBRADE, J.)

JPChavan