



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 MISC.CIVIL APPLICATION NO. 351 OF 2025

Smt. Swaranjali @ Devyani W/o Gunwant Sonavane

VERSUS

Shri Gunwant @ Dhananjay S/o Dhruvkumar Sonavane

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Mr. Ranjita R Barhate, Advocate for Applicant

Mr. Madake Datta A., Advocate for Respondent

CORAM : Y. G. KHOBRADE, J.

Dated : 25th March, 2026

PER COURT :-

1. Heard learned counsel appearing for the applicant and learned counsel appearing for the non applicant at length.
2. By the present application under section 24 of the Civil Procedure Code, the applicant wife is seeking transfer of Petition No.A-168/2025 pending on the file of learned Family Court, Jalgaon to the learned Family Court, Aurangabad.
3. On face of record it appears that, the marriage between the applicant and the non-applicant was solemnized on 09.05.2007 at Aurangabad. After the marriage, the applicant cohabited with the non-applicant and out the wedlock, the applicant and non applicant are blessed with children, now 17 years and 12 years old respectively. However, subsequently, the non-applicant subjected the applicant to ill-treatment and cruelty on various grounds, leading to marital discord between them. Consequently, she started residing at Aurangabad with

her minor children. Thereafter applicant wife has filed a proceeding bearing Divorce Petition No. 291 of 2025 seeking a decree of divorce and it is pending before the learned Family Court at Aurangabad. However, the non-applicant filed a proceedings bearing Petition No.A-168/2025 before the learned Family Court at Jalgaon seeking a decree of restitution of conjugal rights.

4. 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, in paragraph No.9, it is 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."

10. It is well settled that, while transferring any matrimonial proceeding from one Court to another, the convenience of the wife/female is required to be taken into consideration. Therefore, in view of the the law laid down by the Hon'ble Supreme Court in the above cited case, considering the convenience and hardship of the applicant wife it is necessary to withdraw Petition No.A-168/2025

pending on the file of learned Family Court, Jalgaon to the learned Family Court, Aurangabad and transfer the same to the learned Family Court, Aurangabad for decision alongwith Divorce Petition No. 291 of 2025, in accordance with law.

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

ORDER

- (1) Misc. Civil application is allowed.
- (2) Petition No.A-168/2025 pending on the file of learned Family Court, Jalgaon is hereby transferred to learned Family Court, Aurangabad for decision alongwith Divorce Petition No. 291 of 2025, in accordance with law.
- (3) The Non applicant shall be at liberty to appear through Video Conferencing facility, in case he is having difficulty to personally appear before the family Court, Aurangabad.
- (3) The order be communicated to the concerned courts.

(Y. G. KHOBRAGADE, J.)