



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 364 OF 2025

DIPALI ALIAS HEMANGI SACHIN KAKULATE

VERSUS

SACHIN RAMESH KAKULADE

...

Advocate for Applicant : Mr. Amol Sudam Mali

Advocate for Respondent : Mr. Khsushi Varma

h/f. Mr. Kazi Rahil Riyazoddin

...

CORAM : ABHAY J. MANTRI, J.

DATE : 22ND APRIL, 2026

PER COURT :

1. Applicant has moved this Application seeking transfer of Marriage Petition No. 25/2025, pending before the learned Civil Judge, Senior Division, Umrer/Umred, to the learned Civil Judge, Senior Division, Amalner.
2. Heard the learned Advocates for both parties and perused the record.
3. Parties are not disputing their relationships nor the pendency of the proceedings; i.e. maintenance proceeding at Amalner and another proceeding at Umred. The only contention of the Applicant is that she has no source of income and, therefore, it is inconvenient for her to travel and attend the proceeding at Umred. Similarly, the maintenance proceeding is pending before the learned Judicial

Magistrate First Class, Chopda and the Respondent is appearing in the said matter.

4. Having considered the above submissions and the fact that the Umred Court is approximately 500 kms away from Chopda. It would certainly cause her inconvenience to travel and attend the proceedings.

5. Apart from this, the Hon'ble Supreme Court in *N.C.V Aishwarya Vs. A. S. Saravana Karthik Sha reported in AIR Online 2022 SC 1268*, has observed that 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, they must take into account the economic soundness of both parties, the social strata of the spouses, their behavioural patterns, their standard of life before and after the marriage, and the circumstances. The court also has to exercise interference when one proceeding is pending before one court and another proceeding is pending before another court; in such events, it would be appropriate to transfer all proceedings to one court to avoid inconvenience to the wife.

6. Apart from that, the Hon'ble Supreme Court, in a catena of judgments, has held that it would be appropriate to transfer the

proceedings to the place where the wife resides to avoid causing her any inconvenience.

7. Having considered the above facts that the Applicant has no income source, and it is inconvenient for the Applicant to travel and attend the proceedings at Umred, it apparently indicates that she will have to endure hardship and suffering. Consequently, in view of the dictum laid down by the Hon'ble Supreme Court in *Aishwarya (supra)*, in my opinion, it would be appropriate to transfer Marriage Petition No. 25/2025 from Umred Court to the learned Civil Judge, Senior Division, Amalner.

8. As a result, **the Application is allowed in terms of the prayer clause 'B'.**

9. The Application is disposed of. No order as to costs.

10. Needless to clarify that if the Respondent has made any Application before the Court of a learned Civil Judge, Senior Division, Amalner, for permitting him to appear through Video Conferencing mode, the concerned Court may consider his request positively.

(ABHAY J. MANTRI, J.)