



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

950 MISC.CIVIL APPLICATION NO. 385 OF 2025

**PRATINDNAYA KONDIBA BHORGE
VERSUS
VINAY RUSTUM LOKDE**

.....

Advocate for Applicant : Mr. Parghane Madhukar Maroti

Advocate for Respondents : Mr. Suryawanshi Govind G.

.....

CORAM : Y.G. KHOBRAGADE, J.

DATE : 10.03.2026

PC.:-

1. Heard the learned counsel appearing for the applicant and the learned counsel appearing for the non-applicant at length. I have perused the application under Section 24 of the C.P.C. as well as the reply filed on behalf of the non-applicant/husband.

2. By the present application, the applicant/wife is seeking transfer of matrimonial proceeding bearing HMP No.75/2020 from the file of learned Family Court, Nanded to the file of learned Family Court, Thane. The learned counsel appearing for the applicant canvassed that the applicant/wife is serving with Municipal Corporation Thane. Her marriage was solemnized with the non-applicant on 29.05.2016 and out of the wedlock they are blessed with male child who is now aged 4 years and residing with the applicant. The

learned counsel appearing for the applicant canvassed that the applicant is a helpless lady without any support except her parents and the applicant is very much interested to save her marriage, hence, she has not filed any proceeding against her husband/non-applicant. However, after service of summons in the divorce proceeding filed by her husband/non-applicant she was always ready and willing to co-habit but her husband/non-applicant is protracting the case in order to harass her and filed HMP No.75/2020 before the Family Court, Thane. She is residing 600 kms away from Nanded. Hence, prayed for transfer of the proceeding.

3. Per contra, the non-applicant has filed reply and strongly resisted the application mainly on the following grounds:

- i. The applicant is regularly attending the proceeding HMP No.75/2020 before the Family Court, Nanded since last five years.
- ii. The applicant has also filed written statement and resisted HMP No.75/2020.
- iii. The non-applicant has also filed evidence affidavit in the said proceeding and the trial of the said matter has begun.
- iv. Interim application for maintenance filed by the applicant has been granted by the Family Court, Nanded and the non-applicant is regularly depositing the maintenance amount and the applicant is also withdrawing the said maintenance amount.

v. The applicant/wife has suppressed the material fact that she is serving with Municipal Corporation Thane, so also, the applicant has filed the petition before this Court challenging the order of maintenance.

4. The learned counsel appearing for the non-applicant submitted that the applicant is regularly traveling from Thane to Nanded with a child aged 4 years and the non-applicant will have an opportunity to see the child. Therefore, prayed for rejection of the application. Needless to say that in a petition under Section 24 of the C.P.C. the convenience of the female litigant is of paramount consideration while transferring the petition from one Court to another. The Hon'ble Supreme Court in case of **N.C.V. Aishwarya V/s. A.S. Saravana Kartik Sha; 2022 SCC OnLine SC 1199**, has observed as under:

“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. In **Anindita Das V/s. Srijit Das; (2006) 9 SCC 997**, the Hon'ble Apex Court observed as under:

“ At one stage the Supreme Court was showing leniency to ladies, But since then it has been found that a large number of transfer petitions are filed by women taking advantage of the leniency shown by the Supreme Court. On an average at least 10 to 15 transfer petitions are on board of each court on each admission day. It is, therefore, clear that leniency of the Supreme Court is being misused by the women. The Supreme Court is now required to consider each petition on its merit. In this case no ground for transfer has been made out. The authorities cited by the petitioner are all based on the facts of their respective cases. They do not lay down any particular law which operates as a precedent.”

6. In the case in hand, the non-applicant husband instituted HMP No.75/2020 under Section 13(1)(ia)(ib) of the Hindu Marriage Act and prayed for decree of dissolution of marriage. The said petition was instituted on 11.09.2020 before the learned C.J.S.D., Nanded. After service of notice, the present applicant/wife has duly appeared in the matter and filed written statement/reply. The applicant also filed an application praying for interim maintenance Exh.21. The learned trial Court passed an order dated 25.03.2021 and granted maintenance in favour of the applicant no.2. Being aggrieved by said order the applicant has filed Writ Petition no.2469/2025 before this Court and the same is pending adjudication.

7. The non-applicant has filed the copy of Roznama which shows that the present non-applicant husband has filed evidence affidavit. Thereafter, the issues are framed on 20.01.2022 at Exh.26 and since then the matter was time and again adjourned for evidence but again some interlocutory applications came to be filed by the present applicant/wife which were promptly decided and now the present matter is listed under the caption of evidence as the non-applicant has filed the evidence affidavit Exh.55 on 26.09.2024. Since the present applicant is regularly attending the proceeding before the Family Court, Nanded without any hurdle and said proceeding is kept for writing further chief of the non-applicant. Therefore, at this belated stage, the said proceeding cannot be transferred to the Family Court, Thane and if it is transferred in that event certainly there would be delay in concluding the trial.

8. In view of above, the present application stands rejected.

[Y.G. KHOBRADE, J.]