



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

946 MISC.CIVIL APPLICATION NO. 4 OF 2026

**SUNITA MAROTI TITHE
VERSUS
MAROTI NARAYAN TITHE**

....
Mr. Mahesh P. Kale, Advocate for the Applicant

....

CORAM : Y. G. KHOBRAGADE, J.

DATE : March 17, 2026

PER COURT :-

1. Heard the learned counsel for the applicant at length.
2. Despite service of notice, none appeared on behalf of the non-applicant.
3. By the present application under Section 24 of the Code of Civil Procedure, the applicant is seeking transfer of the matrimonial proceeding bearing Petition No.A.96 of 2025 from the file of learned Family Court Parbhani to the file of learned Additional District Judge, Gangakhed, District Parbhani and the proceeding under Section 25 of the Guardians and Wards Act,

bearing Civil M.A. No.209 of 2025 from the file of learned District Judge, Parbhani to the file of learned Additional District Judge, Gangakhed District Parbhani.

4. On face of record, it appears that the marriage between the applicant and the non-applicant was solemnized on 04.05.2007 as per the customs and rites prevailing in their society. Out of the said wedlock, female child Shraddha and male child Tejas, are born. As on today, the male and female child are aged about 15 and 13, respectively. Both the the minor child are residing with the applicant at her paternal house at village Dhanewadi, Post Raorajur, Taluka Palam, District Parbhani and the applicant is unable to travel from her paternal place to Parbhani to attend the said proceedings.

5. Therefore, Considering the law laid down in the case of ***N.C.V. Aishwarya V 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 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."

6. Therefore, it will be just and proper to withdraw bot the proceedings i.e. Petition No.A.96 of 2025 from the file of learned Family Court Parbhani and Civil M.A. No.209 of 2025 from the file of learned District Judge, Parbhani and both are required to transfer to the file of learned Civil Judge, Senior Division, Gangakhed and the proceeding under Section 25 of the Guardians and Wards Act is transferred to the file of learned Additional District Judge, Gangakhed.

7. Accordingly, the Miscellaneous Civil Application is allowed in terms of prayer clauses "B" and "C".

8. This order be communicated to both the Courts.

[Y. G. KHOBRAGADE, J.]

SMS