



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 8 OF 2026

Chanchal Ganesh Gajre @
Chanchal D/o. Narayan Girge,
age. 25 years, occ. Household,
r/o. Plot No. 32, Behind Sant Kabir School,
Vijay Nagar, Nakshatrawadi, Patithan Road,
Chhatrapati Sambhajanagar.

...Applicant

Versus

1. Ganesh S/o. Macchindra Gajre,
age. 34 years, occ. Service,
r/o. Surve No. 121, 1/A, Trimurti Gym,
In front of Kolte Park, Khandvenagar,
Lohgaon, Pune, Dist. Pune – 411 047.
Mob. No. 8888569027

2. Sahil Dilawar Sayyed,
age. 27 years, occ. Service,
R/o. Vadgaon Sheri, Near Airport,
Vadgaon Sheri, Pune – 410014.
Mob. 7972036776

...Respondents

...

Advocate for Applicant : Mr. Khot Abhinay Dilip

Advocate for Respondent No. 1 : Mr. Salunke Nitin S.

...

CORAM : ABHAY J. MANTRI, J.

DATE : 15TH APRIL, 2026

ORAL JUDGMENT :

1. Heard. **Rule.** The rule is made returnable forthwith and heard finally, with the consent of learned Advocates, at the admission stage.

2. Applicant/wife of Respondent no. 1 has moved this Application under Section 24 of the Code of Civil Procedure, for transferring the divorce proceeding bearing petition no. A-1964/2025, filed under Section 13(1)(i) (i-a) of the Hindu Marriage Act, 1955, from the Family Court, Pune, to the Family Court at Aurangabad.

3. Heard learned Advocate for Respondent No.1. None appears for Respondent No. 2. Perused the record.

4. Learned Advocate for the Applicant submitted that the Applicant is residing at Aurangabad. Also, three proceedings between the Applicant and Respondent no. 1 are pending before the concerned court at Aurangabad. Therefore, he urged that the proceedings filed by the husband before the Family Court, Pune, be transferred to the Family Court at Aurangabad.

5. He further submitted that Respondent no. 2 is not a necessary party to the transfer Application. However, Respondent no. 1 made him Respondent no. 2 in the divorce proceedings and, therefore, he has made Respondent no. 2 a party to this Application. As such, he submitted that no notice is required to be served on Respondent no. 2, as Applicant is not claiming any relief against him.

6. Learned Advocate for Respondent no. 1 does not dispute that three proceedings are pending between the Applicant and

Respondent no.1 at the Aurangabad courts. However, he strenuously opposed the Application for transferring the HMP proceedings from Family Court Pune to Family Court at Aurangabad, on the ground that Respondent no.1 is residing at Pune.

7. Having considered the above submissions and record, it appears that the Applicant is residing at Chh. Sambhajinagar (Aurangabad), and she has filed maintenance proceedings as well as Domestic Violence proceedings before the Family Court at Aurangabad, and one proceeding under Section 498-A of the Code of Criminal Procedure, before the learned Judicial Magistrate First Class, Aurangabad, and all the proceedings are pending here. In such circumstances, in my view, it would be appropriate to transfer the proceedings filed by Respondent no. 1 before the Family Court, Pune, to the Family Court at Aurangabad. If the petition is transferred from Family Court, Pune, to Family Court, Aurangabad, it would not prejudice the parties. Still, it would make it convenient for the Applicant to attend the proceedings in Aurangabad.

8. Apart from that, the Hon'ble Supreme Court in the *Case of 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. 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.

9. Having considered the above facts that the Applicant has no income source and it is inconvenient for her to travel and attend the proceedings at Pune, it apparently indicates that she will have to endure hardship and suffering. Consequently, in view of the dictum laid down by the Hon'ble Apex Court in the Case of *Aishwarya (supra)*, in my opinion, it would be appropriate to transfer the divorce proceeding bearing petition no. A-1964/2025, pending before the Family Court, Pune, to the Family Court at Aurangabad.

10. As a result, the Application is allowed in terms of the prayer clause 'B'.
11. The Application is disposed of. No order as to costs.
12. In view of the above, pending Application, if any, shall stand disposed of.

(ABHAY J. MANTRI, J.)

SPC