



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO. 13 OF 2026

Kalyani Shankar Pandit

...Applicant

Versus

Shankar P Rakesh Pandit

...Respondent

Mr. Vivekanand Gujar, Advocate for the Applicant/Appellant.

CORAM: ABHAY J. MANTRI, J.

DATE : APRIL 17, 2026

PER COURT :

1. The Applicant has filed this Application seeking transfer of HMP No.A-1541 of 2025 pending before the learned Family Court No.9 at Pune to the learned Family Court at Aurangabad.
2. Heard learned counsel for the Applicant. None appeared for the Respondent. Perused the record.
3. It appears that on 27th March 2026, Mr. Mane, learned counsel for the Respondent, made a statement that he has instructions to appear on behalf of the Respondent and undertook to file *Vakalatnama*. Pursuant to the said statement, he has filed his *Vakalatnama*. However, the Respondent failed to file an Affidavit-in-Reply to the Application. Non-filing of the Affidavit-in-Reply itself indicates that the Respondent has no grievance about the averments made in the Application, and there is no reason to discard the said averments.

4. The marriage between the Applicant and the Respondent was solemnized on 31st December 2023 at Pune. Due to the consistent harassment on the part of the Respondent and her in-laws, the Applicant was constrained to leave the matrimonial house, and she lodged a complaint against the Respondent and her in-laws on 30th September 2024 at Harsul Police Station. Pursuant to the said complaint, Crime No.02 of 2025 was registered against the Respondent and her in-laws. The Applicant has also filed maintenance proceedings before the Family Court at Aurangabad against the Respondent. Both the proceedings are pending at Aurangabad. However, the Respondent has filed a Divorce Petition bearing Petition No. A-1541 of 2025 against the Applicant in Pune, and therefore, the Applicant has moved this Application.

5. The Applicant vehemently contended that she has no source of income and, therefore, she is unable to attend the proceeding at Pune. Moreover, two proceedings are pending against the Respondent at Aurangabad; therefore, he urged that the said proceedings be transferred to the Family Court at Aurangabad, where the maintenance proceedings are pending.

6. The Hon'ble Supreme Court in *N.C.V. Aishwarya Vs. A. S. Saravana Karthik Sha'*¹ 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

¹ AIR Online 2022 SC 1268

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.

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 Omerga, 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 HMP No. A-1541 of 2025 pending before the learned Family Court No.9 at Pune to the learned Family Court at Aurangabad.

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

9. The Application is to be disposed of. Inform both the concerned Courts accordingly.

(ABHAY J. MANTRI, J.)