



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 MISC.CIVIL APPLICATION NO. 20 OF 2026

Anmika Alias Usha Pinkesh Patni

VERSUS

Pinkesh Abhayakumar Patni

...

Mr. Anuj Ajay Fulfagar, Advocate for Applicant

Mr. Rautray Mahesh Tatyaraao, Advocate for Non-applicant

CORAM : Y. G. KHOBRAGADE, J.

Dated : 18th March, 2026

PER COURT :-

1. Heard learned counsel appearing for the applicant and learned counsel appearing for the non applicant at length.
2. By the present application under section 24 of the Civil Procedure Code, the applicant wife is seeking transfer of Hindu Marriage Petition No. 82 of 2025 pending on the file of learned Civil Judge, Senior Division, Sillod, District Aurangabad to the court of learned Civil Judge, Senior Division, Kopargaon, District Ahmednagar.
3. Admittedly, the marriage between the applicant and the non-applicant was solemnized on 12.02.2024 as per the customs and rites prevailing in their society. After the marriage, the applicant cohabited with the non-applicant. Out out the wedlock, the applicant and non applicant are blessed with a female child, now aged about one and half years. However, subsequently, the non-applicant subjected the applicant to ill-treatment and cruelty on various grounds, leading to

marital discord between them. Consequently, she started residing with her parents at Kopargaon. Thereafter, the non-applicant filed proceedings bearing Hindu Marriage Petition No. 82 of 2025 pending on the file of learned Civil Judge, Senior Division, Sillod, District Aurangabad seeking a decree of divorce.

4. The learned counsel for the applicant canvassed that the applicant is a housewife and residing with her parents at Kopargaon Dist. Ahmednagar alongwith her minor child. The distance between Kopargaon and Sillod is about 150 kilometers. Therefore, it will be inconvenient for the applicant to travel with a minor child and bear the travelling expenses.

5. In the case of ***N.C.V Aishwarya Vs. A. S. Saravana Karthik Sha (Civil Appeal No.4894/2022)*** decided by the Hon'ble Supreme Court on 18.07.2022, in paragraph No.9, it is held that:

"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."

10. It is well settled that, while transferring any matrimonial proceeding from one Court to another, the convenience of the wife/female is required to be taken into consideration. Therefore, considering the law laid down by the Hon'ble Supreme Court in the above cited case, it is necessary to withdraw Hindu Marriage Petition No. 82 of 2025 pending on the file of learned Civil Judge, Senior Division, Sillod, District Aurangabad and transfer the same to the learned Civil Judge, Senior Division, Kopargaon, District Ahmednagar for disposal in accordance with law.

11. In view of the above discussions, following order is passed:

ORDER

- (1) Misc. Civil application is allowed.
- (2) Hindu Marriage Petition No. 82 of 2025 pending on the file of learned Civil Judge, Senior Division, Sillod, District Aurangabad is hereby transferred to court of learned Civil Judge, Senior Division, Kopargaon, District Ahmednagar for disposal in accordance with law.
- (3) The order be communicated to the concerned courts.

(Y. G. KHOBRAGADE, J.)