



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

913 MISC.CIVIL APPLICATION NO. 22 OF 2026

SHITAL VIVEK GUMTE

....Applicant

VERSUS

VIVEK RAMAKANT GUMTE

.....Respondent

Mrs. Sumedha C. Thombre, Advocate h/f Mr. C. V. Thombre,
Advocate for the applicant

CORAM : ABHAY J. MANTRI, J.

DATE : 16th APRIL, 2026

PER COURT :

1. Heard the learned Advocate for the Applicant.
2. None appeared for the Respondent either in the court hall or through VC mode, though served.
3. Perused the application and record of the case.
4. By this Application, the Applicant is seeking the transfer of the Petition No. A-57/2025 pending before the learned Family Court, Nanded, to the learned Family Court, Chhatrapati Sambhajanagar.
5. The marriage of the Applicant and the respondent was solemnized on 29-04-2018. In July 2020, the Respondent beat her father. Thereafter, her father died on 10-09-2020. Since 2023, the

Applicant and the Respondent have been residing separately. On 11-03-2025, the Applicant filed a proceeding under the Protection of Women from Domestic Violence Act against the Respondent. Similarly, in February 2025, the Respondent filed the Divorce Petition under Section 13(1)(i-a) of the Hindu Marriage Act before the Family Court, Nanded, against the Applicant, and the same is pending. Therefore, the Applicant has filed this Application.

6. The learned Advocate for the Applicant submitted that the Applicant has epilepsy and, therefore, is unable to travel from Aurangabad to Nanded to attend the proceedings, which is 250 km away. The Applicant has no source of income and is dependent upon her mother. Moreover, the Applicant has filed a D.V. proceeding, which is pending at Chhatrapati Sambhajnagar. Therefore, she urged the transfer of the proceedings from the learned Family Court, Nanded, to the learned Family Court, Chhatrapati Sambhajnagar.

7. It is pertinent to note that despite the service of notice, no one appeared for the Respondent nor filed a reply. The said facts themselves indicate that the Respondent has no grievance regarding the averments made in the Application. It also appears that since 2023, the Applicant and Respondent have been residing separately. The Applicant resides in Chhatrapati Sambhajnagar with her mother.

8. 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 the Applicant to travel and attend the proceedings filed by the husband, 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 Petition No. A-57/2025 pending before the learned Family Court, Nanded, to the learned Family Court, Chhatrapati Sambhajanagar.

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.

[ABHAY J. MANTRI, J.]

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