



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

907 MISC.CIVIL APPLICATION NO. 29 OF 2026

MAYA VISHAL KAMBLE @ MAYA VIJAY KHARAT

....Applicant

VERSUS

VISHAL SHAMRAO KAMBLE

.....Respondent

Mr. S. V. Salve, Advocate for the Applicant

Mr. S. V. Dixit, Advocate for the Respondent

CORAM : ABHAY J. MANTRI, J.

DATE : 28th APRIL, 2026

PER COURT :

1. At the outset, learned Advocate for the Applicant submitted that in the prayer clause, he inadvertently mentioned that the matter be transferred to the learned Family Court, Jalna. In fact, the Applicant resides in Partur, which falls outside the territorial jurisdiction of the Family Court, Jalna; therefore, he seeks leave to amend the prayer clause to that extent.

2. Leave is granted as prayed.

3. Amendment to be carried out forthwith.

4. The Applicant/wife has moved this Application to transfer the Divorce Proceeding bearing No. A-2057/2025 pending before the learned Family Court, Bandra, Mumbai, to the learned Civil Judge,

Senior Division, Mantha, Dist. Jalna.

5. Heard the learned Advocate for both the parties and perused the record.

6. The Applicant got married to the Respondents on 30-10-2022. After cohabiting with the Respondent for some years, the Applicant has been residing with her father at Partur since 12-02-2024. She has filed proceedings under Section 498-A of the IPC and under the provisions of the Protection of Women from Domestic Violence Act, and both the proceedings are pending at the learned Judicial Magistrate First Class, Partur. However, the Respondent filed the Divorce proceeding before the learned Family Court at Bandra, Mumbai.

7. The learned Advocate for the Applicant contended that the Applicant has no income source, and she is unable to bear the financial burden to travel and to attend the proceeding at Bandra, Mumbai, which is 550 km away from Partur, Dist. Jalna. Therefore, she urged the transfer of the said proceeding from Bandra to Mantha.

8. Learned Advocate for the Respondent strenuously opposed the Application, contending that in para. No. 9 of the Application, the Applicant has admitted that she has appeared in the proceeding before the Bandra and has filed a written statement.

Therefore, there is no need to transfer the said proceeding from the learned Family Court, Bandra, Mumbai, to the learned Court at Mantha, Dist. Jalna. Hence, he urged for the dismissal of the Application.

9. Having considered the rival submissions of the parties, and gone through the record, at the outset, it appears that the Applicant is residing at Partur, Dist. Jalna is within the territorial jurisdiction of the Civil Judge, Senior Division, Mantha, Dist. Jalna. Similarly, the Applicant has filed two proceedings before the learned Court at Partur, Dist. Jalna. It also appears that the Applicant has no source of income, and that it is inconvenient for the Applicant to travel and attend the proceeding in Bandra, Mumbai.

10. The Hon'ble Supreme Court in *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.

11. 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.

12. Having considered the above facts that the Applicant has no income source and it is inconvenient for the Applicant to travel to Bandra 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 Supreme Court in *Aishwarya* (supra), in my opinion, it would be appropriate to transfer the proceeding bearing Petition No. A-2057 of 2025 pending before the learned Family Court, Bandra, Mumbai, to the learned Civil Judge, Senior Division at Mantha.

13. In view of the above, ***the Application is allowed in terms of prayer clause B.***

14. Needless to mention that if the Respondent moved an application before the concerned court for permitting him to appear in the proceeding through the video conferencing mode, then the learned concerned Court may consider his request positively.

[ABHAY J. MANTRI, J.]

VishalK/907mca29.26.odt