



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 43 OF 2026

CHANDA ALIAS HARSHADA KIRAN WADILE

VERSUS

KIRAN BANSILAL WADILE

...

Advocate for Applicant : Mr. Jade Rahul M. (through V.C.)

Advocate for Respondent : Ms. Manjushri V. Narwade

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CORAM : ABHAY J. MANTRI, J.

DATE : 22ND APRIL, 2026

PER COURT :

1. Applicant/wife moved this Application seeking transfer of Marriage Petition No. 171/2025, pending before the learned Civil Judge Senior Division, Nandurbar, to the learned Civil Judge Senior Division, Ratnagiri, where she is residing.
2. Heard the learned Advocates for both parties and perused the record.
3. The Applicant and the Respondent got married on 19.02.2014, and during the wedlock, they have begotten one daughter on 05.11.2020. She is five years old and living with the Applicant. Therefore, it is contended that it is inconvenient for her to travel and attend the proceedings at Nandurbar, which is 726 kms away from Ratnagiri. Therefore, she has moved this Application.

4. The Respondent does not dispute the averments in the Application nor filed a reply.

5. Having considered the above facts, I find substance in the contention of the learned Advocate for the Applicant that it will cause inconvenience to her to travel and attend the proceeding at Nandurbar.

6. 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. 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 Nandurbar, 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 *Aishwarya (supra)*, in my opinion, it would be appropriate to transfer the Marriage Petition No. 171/2025, pending before the learned Civil Judge Senior Division, Nandurbar, to the learned Civil Judge Senior Division, Ratnagiri.
8. As a result, **the Application is allowed in terms of the prayer clause 'A'.**
9. The Application is disposed of. No order as to costs.
10. Needless to clarify that if the Respondent has moved any Application before the Court of a learned Civil Judge, Senior Division, Ratnagiri, for permitting him to appear through Video Conferencing mode, the concerned Court may consider his request positively.

(ABHAY J. MANTRI, J.)