



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

914 MISC.CIVIL APPLICATION NO. 45 OF 2026

VAISHNAVI DHIRAJ SANGALE @ VAISHNAVI DIPAKRAO TEKADE
.....Applicant

VERSUS

DHIRAJ ARUN SANGALE
.....Respondent

Mr. V. S. Palshikar, 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 in March, 2026. The order dated 25-03-2026 also indicates that despite service of notice, no one appeared on behalf of the respondent.
3. Perused the Application and record of the case.
4. By this Application, the Applicant is seeking the transfer of the petition No. A-150/2024 pending before the learned Family Court, Akola, to Learned Civil Judge Senior Judge, Sillod, Dist. Chhatrapati Sambhajnagar, as the Applicant, resides in Sillod.
5. The Applicant and the Respondent got married on 11-08-2021. Out of wedlock, they have begotten a son who is two years old. After the birth of her son on 18.05.2022, the Applicant was driven out by the

Respondent, and since then, she has been residing with her parents at Sillod. The Respondent, who was in the habit of consuming liquor. He was having an extramarital relationship. The Applicant has filed a proceeding under the Protection of Women from Domestic Violence Act, as well as a maintenance proceeding against the Respondent before the JMFC, Sillod, both of which are pending. It also appears that the Respondent has filed divorce proceedings under Section 13(1) (i-a) of the Hindu Marriage Act before the learned Family Court, Akola, against the Applicant. As such, the Applicant filed this Application.

6. It is pertinent to note that despite service of notice, the Respondent did not appear nor file a reply. The said facts themselves indicate that the Respondent has no grievance about the averments made in the Application.

7. It further appears that the Applicant is residing with her parents at Sillod. She had filed two proceedings, one under the D.V. Act and another for maintenance. The Applicant has no source of income. Akola is 180 km away from Sillod. Moreover, she has a two-year-old son, and therefore, it is difficult for her to travel and attend the court at Akola with her son.

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. (Font)

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, which is 180 km away, 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-150/2024 pending before the learned Family Court, Akola, to Learned Civil Judge Senior Judge, Sillod, Dist. Chhatrapati Sambhajinagar, as the Applicant, resides in Sillod.

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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