



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 52 OF 2026

SNEHA PRASHANT UBALE
VERSUS
PRASHANT PRATAPKUMAR UBALE

...
Advocate for Applicant : Mr. Gitte Mukund D.

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CORAM : ABHAY J. MANTRI, J.

DATE : 21ST APRIL, 2026

PER COURT :

1. The Applicant has filed this Application seeking transfer of the Divorce proceeding bearing Marriage Petition No. 253/2025, pending before the learned Civil Judge, Senior Division, Pandharpur, to the learned Family Court, Latur.
2. Heard the learned Advocate for the Applicant and Perused the record.
3. Office note dated 15.04.2026, indicates that notice was served on the Respondent. Despite service of the notice, no one appeared on behalf of the Respondent either in the Court hall or through Video Conferencing mode.
4. It appears that the Applicant got married to the Respondent on 13.07.2021, at Latur. After cohabiting for some time, on 20.05.2023,

the Respondent beat the Applicant and drove out of the matrimonial house. Since then, she has been residing at her parents' house in Latur. The Applicant has filed the Application for the grant of maintenance, which is pending before the Family Court, Latur. To set back the said proceedings, the Respondent filed a Divorce proceeding bearing HMP No. 253/2025, before the learned Civil Judge, Senior Division, Pandharpur. Therefore, the Applicant has moved this Application.

5. The Applicant contended it is inconvenient for her to travel and attend the divorce proceeding pending at Pandharpur, which is approximately 190 kms away. The Applicant is also unable to bear the financial burden of travelling and attending the proceedings at Pandharpur. Similarly, she has filed a maintenance proceeding before the Family Court, Latur. Therefore, it is contended that it would be appropriate to transfer the proceeding from the learned Civil Judge, Senior Division, Pandharpur, to the Family Court, Latur, to avoid causing multiplicity of the litigation and inconvenience to her.

6. The Hon'ble Supreme Court in the *Case of N.C.V. Aishwarya Versus 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 Pandharpur, 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 Divorce proceeding bearing Marriage Petition No. 253/2025, pending before the learned Civil Judge, Senior Division, Pandharpur, to the learned Family Court, Latur.

8. As a result, the Application is allowed in terms of the prayer clause 'B'.
9. The Application is disposed of. No order as to costs.

(ABHAY J. MANTRI, J.)

SPC