



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO. 64 OF 2026

Komal Dnyaneshwar Narsude

..APPLICANT

VERSUS

Dnyaneshwar Kedarnath Narsude

..RESPONDENT

Mr. A.A. Pawar, Advocate for the Applicant

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CORAM : ABHAY J. MANTRI, J.

DATE : 28th APRIL, 2026

PER COURT :

1. The Applicant has preferred this Application seeking transfer of H.M.P. No. 37 of 2025 filed under Section 9 of the Hindu Marriage Act from the learned C.J.S.D., Barshi, to the learned C.J.S.D., Rahata.

2. Heard learned counsel for the Applicant. None appeared for the Respondent either in the Court Hall or through video conferencing mode, though served. It appears that the Respondent was served through R. P. A. D. and accordingly learned counsel for the Applicant has filed a service affidavit dated 02nd April, 2026, wherein it is categorically averred that the notice was served on the Respondent on 01st April, 2026. The Respondent also did not file a reply, which leads to the inference that the Respondent has no grievance regarding the averments made in the Application. Perused the record.

3. The Applicant got married to the Respondent on 30th November, 2013, at Dongargan, Dist. Ahilyanagar. After cohabiting with the Respondent for some years, on 10th August, 2024, the Respondent suspected the character of the Applicant, and therefore, beat her and drove her out of the house. Since then, she has been residing separately. She has filed a proceeding under the provisions of the Domestic Violence Act before the learned J.M.F.C., Rahata. However, the Respondent filed the proceeding for restitution of conjugal rights against the Applicant before the learned C.J.S.D., Barshi. Therefore, the Applicant has moved this Application.

4. It is contended that the Applicant is residing at Rahata. Therefore, it is inconvenient for her to travel to Barshi, which is 250 kms. away, to attend the proceedings pending there. The Applicant is also unable to bear the financial burden of travelling and attending the proceedings at Barshi. Similarly, she has filed a proceeding for domestic violence before the Court of C.J.S.D., Rahata. Therefore, it is contended that it would be appropriate to transfer the proceedings from the learned C.J.S.D., Barshi, to the learned C.J.S.D., Rahata, to avoid causing multiplicity of the litigation and inconvenience to her.

5. The Hon'ble Supreme Court in *N.C.V. Aishwarya Versus A. S. Saravana Karthik Sha*, 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.

6. 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 Barshi, 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 for restitution of conjugal rights, i.e.

Petition No.37 of 2025 pending before the learned C.J.S.D., Barshi, to the Court of the learned C.J.S.D., Rahata.

8. As a result, the *Miscellaneous Civil 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.)

SSD