IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

VAIBHAV RAMESH JADHAV
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Date: 2026.10.15 19:02:46 +0530

MISCELLANEOUS CIVIL APPLICATION NO. 368 OF 2025

Dhanashri Janmejay Hotkar … Applicant

V/s.

Janmejay Pralhad Hotkar … Respondent

Mr. Aditya S. Ghatge for the Applicant.
None for the Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATED : OCTOBER 15, 2026

P.C.:

1. Heard Mr. Aditya S. Ghatge, learned Advocate for the Applicant. None appears for the Respondent.

2. By this Application, the Applicant has sought the following substantive relief:

> "b) This Hon'ble Court may be pleased to transfer Petition A- No.44 of 2025 pending before Ld. Civil Judge Senior Division, Solapur to the Ld. Civil Judge Senior Division, Kolhapur."

3. The Applicant (wife) is seeking transfer of Marriage Petition A No. 44 of 2025 pending before the Civil Judge, Senior Division, Solapur, to the Court of the Civil Judge, Senior Division, Kolhapur.

4. The grounds on which the Applicant seeks transfer are: (a) that the Applicant is a permanent resident of Kolhapur, which is

approximately 237 kilometres from Solapur; (b) the Applicant is a homemaker without any source of income; and (c) that the Applicant has filed proceedings under the Domestic Violence Act, 2005, which are pending before the Judicial Magistrate First Class, Kolhapur, wherein the Respondent is appearing and contesting. In sum and substance, the request for transfer is on the ground of inconvenience caused to the Applicant.

5. On 28th August 2026, fresh notice was issued to the Respondent.

6. Mr. Aditya S. Ghatge, learned Advocate for the Applicant, submits that the Respondent is served by regular mode of service as also by private notice. He states that he will file the affidavit of service in the Registry of this Court by the end of the session. Statement is accepted.

7. Clause No. 3 of the Office Note dated 7th October 2026 reads thus:

> "3) As per Bailiff report notice duly served on sole Respondent."

8. The name of the Respondent (Janmejay Pralhad Hotkar) was called out by the Court Sheristedar. None appeared.

9. The statements made by the Applicant in the Application for transfer remain unrebutted. The absence of the Respondent gives an impression that the Respondent does not intend to contest this

Application.

10. The Hon'ble Supreme Court in the case of *N.C.V. Aishwarya v. A.S. Saravana Karthik Sha*[1], in paragraph No. 9 held as under:

> "9. 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 have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society, generally, it is the convenience which must be looked at while considering transfer."

11. Considering the statements made in the Application for transfer and the submissions advanced by Mr. Aditya S. Ghatge, learned Advocate for the Applicant, this Application is allowed in terms of prayer clause (b).

12. Consequently, Marriage Petition A No. 44 of 2025 pending before the Civil Judge, Senior Division, Solapur, is withdrawn and transferred to the Court dealing with family and matrimonial matters at Kolhapur.

13. The Applicant shall place this order before the Principal District Judge, Kolhapur, so as to assign Marriage Petition A No. 44 of 2025, which is now transferred, to the Court at Kolhapur dealing with family

[1] 2022 SCC OnLine SC 1199

and matrimonial petitions.

14. Miscellaneous Civil Application No. 368 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)