



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 6/2026

MRS. HARSHA YOGESH BARHATE
VS
YOGESH LAXMAN BARHATE

Adv. Kuldeep U. Nikam a/w. Adv. Om N. Latpate for applicant.
None for respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 13 JANUARY 2026.

P.C. :

1) On 15 December 2025, the following order was passed:-

1) This court has suggested the parties that (i) Application filed under Section 9 by the husband before the Civil Judge Senior Division, Malkapur, Buldhana be transferred to the Civil Judge Senior Division, Pune and be heard alongwith (ii) DV proceedings filed by the applicant-wife before the Judicial Magistrate First Class, Pimpri, after transferring the same to the Civil Judge Senior Division, Pune.

2) Both the proceedings to be clubbed and heard together by one and the same Judge and the parties to be permitted to attend the court proceedings through video conferencing. However, whenever necessary, as per the directions of the learned Judge taking up the matter, the both the parties will have to attend the proceedings in person.

3) The reason for this suggestion was that, the applicant-wife is staying at Khergaon, District Pune alongwith her three year old daughter. The respondent had suffered with the paralytic stroke and though as of now he has recovered from it. The treatment of the said illness is still continued. The respondent is residing at Shahapur, District Thane and is working in J.Engineering at Thane.

4) Both the learned advocates seek time to take instructions from their respective clients.

5) Stand over to **16 December, 2025**. Matter to come up under the caption 'For Directions'.

2) On next date i.e. 16 December 2025, learned counsel

appearing for the respondent did not appear, hence, the matter was adjourned to today.

3) Even today, learned counsel for the respondent has not appeared. Hence, I have no option but to proceed further to hear this Misc. Civil Application.

4) The applicant is the wife of the respondent. The applicant-wife has filed divorce proceedings before 2nd Jt. Civil Judge Senior Division, Malkapur, District Buldhana. She has also filed a complaint with Sangvi Police Station for offence punishable under section 85, 115(1), 352 r/w 3(5) of Bhartiya Nyaya Sanhita, 2023, against the respondent.

4.1) She is seeking transfer of the petition filed by the husband before the Civil Judge Senior Division, Malakapur, District Buldhana to the Civil Judge Senior Division, Pune, on the grounds that the distance between Pune and Malakapur is around 400 kms. and to travel the said distance by bus/train, it takes around 12 hours. She has to also take care of her minor daughter who is dependent on her. It is extremely difficult for her to travel along with her daughter to attend the Court proceedings at Malakapur, District Buldhana.

5) This Court, on 15 December 2025, after hearing learned

counsel for both sides had suggested that the application filed under Section 9 by the husband before the Civil Judge Senior Division, Malkapur, Buldhana be transferred to the Civil Judge Senior Division, Pune. So also, divorce proceedings filed by the applicant – wife can be transferred from Judicial Magistrate First Class, Pimpri to the Civil Judge Senior Division, Pune and both the proceedings can be heard together. It has also been submitted before me that the applicant-wife has also filed divorce proceedings before the Civil Judge Senior Division, Pune.

6) Mr. Nikam, learned counsel suggested that even that proceeding can be heard along with other two proceedings.

7) The Hon'ble Supreme Court in case of *N.C.V. Aishwarya vs. A.S.Saravana Karthik Sha*, reported in *2022 SCC OnLine SC 1199* has held that the convenience of the wife has to be seen for the transfer proceedings. Paragraph no.9 of the said judgment reads 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 are called upon to consider the plea of transfer, the 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 wife's convenience which must be looked at while considering transfer.

(Emphasis supplied)

8) Considering the facts of the present proceedings and considering the law laid down by the Hon'ble Supreme Court in case of *N.C.V Aishwarya* (supra), I am convinced that the present Miscellaneous Civil Application requires to be allowed and the divorce proceedings and the domestic violence proceedings can be heard along with Section 9 proceedings filed by the husband by one and the same Judge.

9) The present Miscellaneous Civil Application stands **allowed** in terms of prayer clause (a).

10) The proceedings of Marriage Petition No.135/2025 pending before the Ld. Civil Judge Senior Division, Malkapur at Malkapur, Dist. Buldhana be transferred to the to Civil Judge Senior Division, Pune at Pune, within a period of four weeks from today and be heard along with the divorce proceedings filed by the applicant being Marriage Petition No.1814/2025 pending before the Civil Judge Senior Division, Pune.

11) Further, even domestic violence proceedings filed by the applicant-wife being PWDV Application bearing No. 246 of 2025 before the 8th Judicial Magistrate First Class, Pimpri, at Pune be transferred to the Civil Judge Senior Division, Pune within a period of four weeks from today and be heard along with Section 9 Petition filed by the husband and the divorce petition filed by the applicant-wife.

12) Learned counsel for the applicant is hereby directed to convey the order passed today to the concerned Court and file affidavit to that effect within a period of two weeks from today.

13) Similarly, Registrar (Judicial-I) is hereby directed to communicate the order passed today to the Registrar of the Civil Judge Senior Division, Malkapur, the Civil Judge Senior Division, Pune and 8th Judicial Magistrate First Class, Pimpri at Pune by E-mail.

14) Misc. Civil Application is disposed of accordingly.

(Rajesh S. Patil, J.)