

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 25/2026****MAHADEV. P. DYNANOBA JADHAV****..... APPLICANT****VS****SHITAL MAHADEV JADHAV****..... RESPONDENT**

Adv. Priyanka B. Lanke for the Applicant.

Adv. V. V. Salunke for the Respondent.

CORAM : RAJESH S. PATIL, J.**DATE : 25 MARCH, 2026****P.C. :-**

1) By the present transfer application, the applicant, husband of the respondent is seeking transfer of his own divorce petition pending before the Civil Judge Senior Division, Udgir, District Latur to the Family Court at Pune.

2) It is the case of the applicant that both, the applicant and the respondent are residing at Pune. Hence, it is clear that it will be convenient for both the parties if the proceedings are transferred to the Family Court at Pune and hearing of the same is expedited.

3) Mr. Salunke, learned advocate appearing for the respondent has submitted that the divorce proceedings filed by the

applicant is at advance stage. Therefore, the proceedings should not be transferred to Pune. The applicant himself has chosen not to appear on last few dates before the Civil Judge Senior Division, Udgir, District Latur and has thereafter preferred the present application for transfer of the present proceedings under Section 24 of the Code of Civil Procedure, 1908. He relied upon the order of the Supreme Court passed in case of *Abhilasha Gupta vs. Harimohan Gupta* reported in *(2021) 9 SCC 730*.

4) I have heard learned advocates for both the sides. Mr. Salunke, learned advocate appearing for the respondent has harped on paragraph no.5 of the order in case of *Abhilasha Gupta* (supra). This Court pointed out to Mr.Salunke paragraph no.2 of the said order which records the fact that the evidence of the husband had concluded and thereafter the matter was listed for recording the testimony of the wife. Therefore, the case of *Abhilasha Gupta* (supra), the evidence of one party was already concluded and it was at the stage the applicant wife was supposed to be examined. Therefore, the Supreme Court held that at advance stage of the trial the transfer cannot be granted.

5) The present proceedings, it is applicant's own application which he is seeking transfer and he has not stepped into the witness box as of now.

6) Therefore, in my view no prejudice would be caused even to the respondent if the proceedings are transferred to Pune, for repetition I would like to mention here that both the parties are at Pune.

7) Mr.Salunke further relied upon the judgment of Single Judge of this High Court in case of ***Amruta vs. Sachin*** reported in ***2025 SCC OnLine Bom 2808***. In that proceedings, the facts are quite different than the present proceedings. It appears that the lawyers appearing in the said proceedings, did not show to the Court the judgment passed by the Supreme Court in case of ***N.C.V Aishwarya vs. A.S.Saravana Karthik Sha***, reported in ***2022 SCC OnLine SC 1199***. Hence, the findings recorded in that proceedings are as per the facts and without considering the ratio of ***N.C.V Aishwarya*** (supra).

8) Considering the fact that the applicant himself is seeking transfer of proceedings to Pune where both the parties are residing and the trial has not commenced, according to me suffice would be the purpose if the divorce proceedings are transferred to Pune and hearing of the same is expedited.

9) In view of the same, the present **miscellaneous civil application stands allowed in terms of prayer clause (b)**.

10) The proceedings of HMP No. 09 of 2024 pending before

the Civil Judge Senior Division, Udgir, District Latur be transferred to the Family Court, Pune within a period of four weeks from today.

11) The hearing of the said proceeding is hereby expedited.

12) Both the parties through their advocates undertake to this Court that they will co-operate with the early hearing of the proceedings and would not seek unnecessary adjournment.

13) Learned advocate for the applicant is permitted to communicate the order passed today to the Civil Judge Senior Division, Udgir, District Latur.

14) Similarly, **Registrar (Judicial-I)** is hereby directed to communicate the order passed today to the **Registrar of the Civil Judge Senior Division, Udgir, District Latur by E-mail.**

[RAJESH S. PATIL, J.]