



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO. 597 OF 2025

Sau. Dakshata Shivamji Joshi  
Aged about : 28 Years; Occu : Housewife;  
R/o C/o Mahesh Jagdish Ojha, Malegaon,  
District Washim.

... APPLICANT

V E R S U S

Shivamji Rajendra Joshi  
Aged about 31 Years, Occu : Private Service;  
R/o 114, Dalpahad Shanipeth, Jalgaon,  
District Jalgaon.

... RESPONDENT

Ms. K. R. Gadge, Advocate for Applicant.  
Mr. D. D. Pande, Advocate for Respondent.

CORAM : PRAVIN S. PATIL, J.  
DATE : FEBRUARY 09, 2026.

ORAL JUDGMENT

. Heard Ms. K. R. Gadge, learned Counsel for the Applicant and  
Mr. D. D. Pande, learned Counsel for the Respondent.

2. By this Application, the Applicant is seeking transfer of the  
proceeding bearing Petition No. A-328/2024 pending on the file of Family  
Court, Jalgaon to the Civil Judge Senior Division, Washim.

3. The Applicant approached before this Court, raising the ground that distance between Washim to Jalgaon is near about 286 kms., therefore, it is difficult for the Applicant to travel such a long distance. She also stated that she is having two minor children and there is no one to look after them in the family. Hence, this is one additional ground raised by the Applicant for transfer of the proceeding from Jalgaon to Washim.

4. The learned Counsel for Respondent has strongly opposed the Application. According to him, distance between two stations and inconvenience of the Applicant cannot be a ground for transfer of the proceeding, hence, sought rejection of the present Application by saddling costs on the Applicant.

5. I have considered the rival contentions of learned Counsel for both sides.

6. In the light of above submissions made by the learned Counsel for both sides, it will be relevant to consider the Judgment of the Hon'ble Supreme Court of India in the case of *N.C.V. Aishwarya V/s A. S. Saravana Karthik Sha, 2022 SCC OnLine SC 1199*, wherein the Hon'ble Supreme Court has observed in paragraph Nos.9 and 10 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.*

*10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”*

The Hon’ble Supreme Court has held that in the matrimonial proceeding one of the factor along with other is, convenience of the wife should be looked into by the Court while considering the application for transfer of the proceeding.

7. In the present matter, learned Counsel for the Applicant has pointed out the factum of distance between two stations and the Applicant is having two children, whose custody is with her. In my view, it is the sufficient

reason for her to get transfer the proceeding from Jalgaon to Washim. Resultantly, I proceed to pass following order.

ORDER

1. Misc. Civil Application is allowed.
2. The proceeding bearing Petition No. A-328/2024 pending on the file of Family Court, Jalgaon is hereby transferred to the Civil Judge Senior Division, Washim.
3. The Family Court, Jalgaon is directed to transfer the Record and Proceeding of the proceeding bearing Petition No. A-328/2024 immediately to the Civil Judge Senior Division, Washim.
4. The parties are directed to appear before the Civil Judge Senior Division, Washim on 11<sup>th</sup> March, 2026.
5. It is clarified that the Respondent will be at liberty to appear before the Civil Judge Senior Division, Washim through Video Conferencing as and when his personal appearance is not required in the matter.
6. Both the parties are directed to co-operate to decide the proceedings

before the Civil Judge Senior Division, Washim as expeditiously as possible.

7. No order as to costs.

**[PRAVIN S. PATIL, J.]**

*vijaya*