

CIVIL MISC. APPLICATION NO.197/2026
(CNR- MHPU01-002004-2026)

Ashwini Sagar Zirpe ...Applicant.

Vs.

Sagar Satish Zirpe ...Opponent.

AND

CIVIL MISC. APPLICATION NO.388/2026
(CNR- MHPU01-004587-2026)

Sagar Satish Zirpe ...Applicant.

Vs.

Ashwini Sagar Zirpe
(After Marriage Name)
Ashwini Ravindra Dombe
(Maiden Name) ...Opponent.

COMMON ORDER BELOW EXH.01.

Both the applications are filed by the applicants for transfer under Sec. 24 of the C.P.C. In both the applications the applicant and opponent are husband and wife and vice-a-versa. That is why it is preferred to decide both these applications by common order.

2] The Civil M.A.No.197/2026 filed by the applicant wife Ashwini for transfer of Marriage Petition No.2017/2026 pending in the Court of C.J.S.D., Pimpri, Pune and Civil M.A.No.166/2026 (old Civil M.A.No.555/2025) pending in the Court of District Judge, Pimpri-Chinchwad at Pune to the Court of C.J.S.D., Baramati and District Judge, Baramati.

3] The Civil M.A.No.388/2026 filed by the applicant husband Sagar for transfer of Marriage Petition No.244/2025 pending in the Court of C.J.S.D., Baramati, to the Court of C.J.S.D., Pimpri, Pune.

4] It is contended by the applicant wife Ashwini in Marriage Petition No.197/2026 that she being a lady litigant and residing at remote area, it is difficult for her to travel to Pune to attend each and every date of hearing. The distance is approximately 120 to 130 K.M. and it is highly inconvenient for her to travel. She has to suffer physical hardship and has to incurred expenses of Rs.6,000/-. She has no income. She tried to save her marriage but the opponent husband Sagar failed to understand. Hence, prayed to allow the application.

5] Whereas it is contended by the applicant husband Sagar in Civil M.A. No.388/2026 that in both the marriage petitions the contesting parties are the same. It is necessary in the interest of justice that both the petitions are tried together and decided by the same Court, to avoid conflicting judgments and multiplicity of proceedings. No prejudice will be caused to the opponent wife Ashwini, if the Marriage Petition No.244/2025 transferred to C.J.S.D., Pimpri-Chichwad, Pune.

6] Heard the Ld. Advocate Shri. Mohite M. R. for the applicant Ashwini and Ld. Advocate Maynal Mangla for the opponent husband Sagar and vice-a-versa in another proceeding.

7] Admittedly, the applicant and opponent are husband and wife. The wife Ashwini filed M.P.No.244/2025 under Section 9 of Hindu Marriage Act for Restitution of Conjugal Rights in the Court of C.J.S.D., Baramati. Whereas the husband Sagar filed M.P. No.2017/2026 (old number M.P. No.764/2026) under Section 13(1)(ia) and (ib) of Hindu Marriage Act for dissolution of marriage, which is pending in the Court of C.J.S.D, Pimpri-Chinchwad, Pune. He also filed Civil M.A.No.166/2026 under Section 7, 8, 25 of Guardians and Wards Act, read with Section 4 and 6 of Hindu Minority and Guardianship Act, which is pending in the Court of Additional District Judge, Pimpri-Chinchwad, Pune.

8] It is to point out here that earlier the wife Ashwini filed the petition under Section 9 of Hindu Marriage Act for Restitution of Conjugal Rights and then the husband Sagar filed the petition for dissolution of marriage. It is fact that the applicant wife Ashwini is residing at Malegaon Bk., Baramati and the husband Sagar is residing at Chinchwad, Pune. The Ld. Advocate for the wife Ashwini relied on the judgment of Hon'ble Supreme Court in the matter of **N.C.V. Aishwarya V/s. A. S. Saravana Karthik Sha**, reported in **AIR 2022 Supreme Court 4318**, wherein it is held that,

“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.”

9] On the similar aspect the Ld. Advocate relied on the judgment of Hon'ble Supreme Court in the matter of **Rajani Kishor Pardeshi V/s. Kishor Babulal Paredeshi**, (AIROnline 2005 SC 140) and in the matter of **Mona Aresh Goel V/s. Aresh Satya Goel (2000) AIR SCW 2652**.

10] The common import of all these judgments is that the convenience of wife being prime consideration, has to preferred over that of the husband. In such situation considering the fact that the wife is residing at Baramati and presently the M.P. No.2017/2026 and Civil M.A. No.166/2026 are pending in the Court at Pimpri-Chinchwad, Pune, it is inconvenient for her to travel to such a long distance to attend hearings of both the matters. On the contrary, no prejudice or inconvenience would be caused to the husband Sagar to attend the dates of hearing at Baramati. It is also necessary that the marriage petitions can be decided by the same Court, in order to avoid any conflicting decisions, so also multiplicity of proceedings. Therefore, it is just and appropriate to transfer

the M.P. No.2017/2026 and Civil M.A. No.166/2026 in the Court of Civil Judge, S.D. Baramati and District Judge-2, Baramati respectively. Hence, the order -

ORDER

1. The Civil M.A.No.197/2026 is allowed and Civil M.A.No.388/2026 is rejected.
2. The Marriage Petition No.2017/2026 pending on the file of Civil Judge Senior Division, Pimpri-Chinchwad, Pune, (Shri. P. S. Kulkarni) is hereby withdrawn and transferred to the court of Civil Judge, Senior Division, Baramati, Dist. Pune, (Shri. D. S. Zanvar), where the Marriage Petition No.244/2025 is pending for its disposal in accordance with law.
3. The Civil M.A. No.166/2026 pending on the file of Adhoc District Judge-1 and Add. Sessions Judge Pimpri Chinchwad (Shri. N. G. Deshpande) is hereby withdrawn and transferred to the court of District Judge-2, Baramati (Shri. A. Y. Thatte), for its disposal in accordance with law.
4. The matters to be decided on their own merits.
5. The registry/ Office shall take necessary steps.
6. Application stands disposed of.

Pune.
Date:-18/08/2026

(Arvind T. Wankhede)
Principal District Judge, Pune.

CERTIFICATE

“ I affirm that the contents of this PDF file are word to word as per the original order.”

Name of the Steno : Sau. G. M. Naik (Stenographer, Grade I)

Name of the Court : Arvind T. Wankhede
Principal District and Sessions Judge, Pune

Date of Order : 18/08/2026

Order signed by : 18/08/2026
PO on

Order uploaded on : 18/08/2026