



IN THE DISTRICT COURT, AHMEDNAGAR

(Presided over by S. B. Kachare)

CIVIL MISC. APPLICATION NO. 409 OF 2025

Amol Jagannath Daule

... **Applicant**

V e r s u s

1. Yogita Amol Daule

2. Adv. Sukhdev Rangnath Dighe

... **Non-applicants**

Appearance -

Mr. A. D. Dhage Advocate for the applicant.

Mr. S. B. Bhagwat, Advocate for the non-applicants.

ORDER BELOW EXH.01.

1. It is an application under Section 24 of the Civil Procedure Code, seeking transfer of the proceedings HMP No.61/2025 presently pending before the Court of Civil Judge, Senior Division, Tal. Rahuri, Dist. Ahmednagar, PWDA No.47/2025 pending before the Court of Judicial Magistrate, First Class, Court No.3, Tal. Rahuri, Dist. Ahmednagar and Cri.Misc. Application No.58/2025 presently pending before the Court of Judicial Magistrate, First Class, Court No.2, Tal. Rahuri, Dist. Ahmednagar.

2. It is contended by the applicant that the applicant and non-applicant no.1 married on 21.05.2009. After the marriage applicant came to know that non-applicant no.1 is having some physical issue and therefore unable to begotten any child. Non-applicant no.1 has suppressed this fact from the applicant and thereby committed fraud upon him. Non-applicant

no.1 subjected applicant with mental cruelty, therefore, the applicant has filed petition under Section 12(1)(a) and (b), Section 13(1)(ia) and (ib) and 3 of the Hindu Marriage Act bearing HMP No.40/2025.

3. Non-applicants no.1 and 2 appeared in the said proceeding and thereafter filed Criminal Misc. Application No.58/2025 for grant of maintenance under section 125 of the CrPC and thereafter non-applicant no.1 has filed Criminal Misc.Application PWDA No.47/2025 under Section 12 of the Protection of Women from Domestic Violence Act, 2005. Due to Formation of the Civil Judge Senior Division Court at Rahuri, the aforesaid HMP No.40/2025 has been transferred on the file of the said Court and re-numbered as 61/2025.

4. It is contended that the applicant is an advocate practicing at Rahuri Court. The non-applicant no.2 is an advocate practicing at Rahuri Court who is father of non-applicant no.1. Non-applicant no.1 and her father are unnecessarily defaming the applicant and therefore, it is just and necessary to transfer the aforesaid three proceedings from Rahuri Court to the Court at Ahmednagar. If the application is not allowed, there is possibility of escalating the dispute between the parties. Recently, applicant came to know that non-applicant no.1 has filed application under Section 9 of the Hindu Marriage Act bearing HMP No.140/2025 which is also pending on the file of Civil Judge, Senior Division, Rahuri. It is therefore prayed that proceedings bearing HMP No.61/2025, PWDA No.47/2025, Cri.M.A. No.58/2025 and HMP No.140/2025 may please be transferred.

5. Non-applicants resisted the application contending that by filing this application the applicant is seeking transfer of criminal proceedings in an application filed under Section 24 of the CPC, which is not permissible. On this count itself, application is not tenable and deserve to be dismissed. Furthermore, non-applicant no.1 is a woman. She is residing at Rahuri and

she can attend the pending proceedings in the said Court, without spending any amount. Therefore, there is no point in transferring the aforesaid proceedings to the Ahmednagar Court. If the application is allowed, non-applicant no.1 will have to face inconvenience and same is not expected under the law. It is therefore prayed that, no cause of action arose to the applicant to file the present application. Hence, prayed that application may please be dismissed with cost.

6. Heard the learned advocate of the applicant and learned advocate of the non-applicants at length. Perused the documents placed on record.

7. Section 24 of the Code of Civil Procedure deals with the general power of transfer and withdrawal of suits, appeals and other proceedings. Considering the nature of proceedings, it appears that it is dispute between the husband and wife on count of marital discord. In such proceedings, the convenience of the wife remains important factor. The court has to balance the convenience of both parties while keeping the overarching demands of justice in mind. Here, in the instant case, all the proceeding are pending in the Court of Rahuri. Applicant and non-applicant no.2, who is father of non-applicant no.1, are practicing at Rahuri Court. Non-applicant no.1 is residing at Rahuri. Therefore, it is convenient for the applicant as well as non-applicants to attend the said proceedings pending before Rahuri Court. According to the applicant, if the said proceedings remains at Rahuri Court, then there is possibility of escalating of dispute between the parties. I find no merit in the contention of the applicant. Even if, the proceedings are transferred at Ahmednagar, then, same thing might be happened. Therefore, it appears to me that no sufficient grounds have been shown by the applicant for transfer of the proceedings. Furthermore, by filing application under Section 24 of the Civil Procedure Code, the applicant can not request transfer of the criminal proceedings. Applicant ought to have file

application under the provisions of Bharatiya Nagrik Suraksha Sanhita, 2023. Therefore, on this court also, the present application is not maintainable.

8. Considering the aforesaid facts, I comes to the conclusion that no case has been made out by the applicant to transfer the aforesaid proceedings pending before the Rahuri Court to Ahmednagar. Consequently, the following order is passed -

ORDER

1. Application is dismissed.
2. Proceeding is closed.

(Dictated and Pronounced in Open Court)

Ahmednagar
Date: 13.08.2026.

(S. B. Kachare)
Principal District Judge, Ahmednagar

: CERTIFICATE FOR UPLOADING TO CIS :

I affirm that, the contents of this P.D.F. file order are same word to word as per the contents of original judgment.

Name of the Court	: Principal District Court, A'nagar.
Name of Stenographer	: Sau. N.P. Kodam Steno.(Grade-1)
Date of Judgment	: 13.08.2026
Signed by Presiding Officer on	: 13.08.2026
Judgment Uploaded in CIS on	: 13.08.2026