



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO. 75 OF 2026

Pratiksha Dipak Wavalkar

..APPLICANT

VERSUS

Dipak Dagadu Wavalkar

..RESPONDENT

....
Mr. A.S. Janrao, Advocate for the Applicant

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CORAM : ABHAY J. MANTRI, J.
DATE : 22nd APRIL 2026

PER COURT :

1. The Applicant/wife has filed this Application seeking the transfer of Petition No. A-132 of 2025 pending before the learned Family Court, Beed to the learned Family Court, Parbhani.

2. Heard learned counsel for the Applicant. None appears for the Respondent, though served, either in the Court Hall or through video conferencing mode.

3. It appears that the Applicant married the Respondent on 19th January, 2025, at Parbhani. She cohabited with the Respondent for some time. On 23rd March, 2025, the Respondent drove her out of the matrimonial house, and since then she has been residing at Parbhani. The Applicant has filed an Application under the provisions of the Domestic Violence Act before

the learned J.M.F.C., Parbhani, and has also filed a complaint under Section 85 and other sections at Parbhani. Both cases are pending at Parbhani. To counter, the Respondent has filed proceedings under Section 9 of the Hindu Marriage Act for restitution of conjugal rights against the Applicant before the Family Court, Beed, which is 150 km away from Parbhani. Therefore, the Applicant has moved this application.

4. It is contended that the Applicant has no source of income, and it is inconvenient for her to travel and attend the proceedings at Beed. Moreover, she apprehends that the Respondent and his family members may threaten her and, therefore, has urged the transfer of the said proceeding.

5. The Hon'ble Supreme Court in the Case of *N.C.V. Aishwarya Versus A. S. Saravana Karthik Sha* reported in *AIR Online 2022 SC 1268*, has observed that 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, they must take into account the economic soundness of both parties, the social strata of the spouses, their behavioural patterns, their standard of life before and after the marriage, and the circumstances. The Court also has to exercise interference when one proceeding is pending before one Court and another proceeding is pending before another Court; in such events, it would be appropriate to

transfer all proceedings to one Court to avoid inconvenience to the wife. Apart from that, the Hon'ble Supreme Court, in a catena of judgments, has held that it would be appropriate to transfer the proceedings to the place where the wife resides to avoid causing her any inconvenience.

6. Having considered the above facts that the Applicant has no income source and it is inconvenient for the Applicant to travel and attend the proceedings at Beed, it apparently indicates that she will have to endure hardship and suffering. Consequently, in view of the dictum laid down by the Hon'ble Apex Court in the Case of *Aishwarya* (supra), in my opinion, it would be appropriate to transfer the Petition No. A-132 of 2025 pending before the learned Family Court, Beed to the learned Family Court, Parbhani.

7. In view of the same, the *Miscellaneous Civil Application is allowed in terms of the prayer clause (B)*. Inform the concerned Court accordingly.

(ABHAY J. MANTRI, J.)

SSD