



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 MISC.CIVIL APPLICATION NO. 119 OF 2024

KOMAL NITIN CHAVAN

....Applicant

VERSUS

NITIN LAXMAN CHAVAN

.....Respondent

Mr. Kalyane Madhav Nivruttee, Advocate for the applicant

CORAM : ABHAY J. MANTRI, J.

DATE : 17th APRIL, 2026

PER COURT :

1. The Applicant has filed this Application seeking transfer of Petition No.122/2023 from the learned Civil Judge Senior Division, Omerga, to the Family Court at Latur.
2. Heard the learned Advocate for the Applicant.
3. None appeared for the Respondent when called out either in the Court hall or through VC mode. Perused the record.
4. It appears that on 10-02-2025, Mr. A. P. Avhad, learned Advocate, appeared on behalf of the Respondent. It further appears that till this date, the Respondent has not filed a reply to the Application. The fact itself indicates that the Respondent has no grievance about the averments made in the Application.

5. The Applicant got married to the Respondent on 27-01-2023. In July 2023, the Applicant left the respondent's company and has since been residing at her parents' house. It is also contended that the Applicant has filed a complaint under Section 498-A of the IPC against the Respondent, and the same is pending at Latur. During pendency of this Application the Applicant has also filed proceeding under Section 12 of the Protection of Women From Domestic Violence Act against the Respondent at Judicial Magistrate First Class, Latur and both the proceedings are pending before the JMFC, Latur and therefore, it is contended that the proceedings filed by the husband/Respondent at Omerga under Section 9 of the Hindu Marriage Act be transferred at Latur as the Applicant has no source of income. It is inconvenient for her to attend the court proceedings in Omerga, which is 85 km away from Latur. Therefore, the Applicant has moved this application.

6. The Hon'ble Supreme Court in the *Case of N.C.V Aishwarya Vs. 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.

7. 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 **Omerga**, 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 allow the Application.

8. As a result, **the Application is allowed in terms of the prayer clause C.**

9. The Application is disposed of. No order as to costs.

[**ABHAY J. MANTRI, J.]**