

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 10 OF 2026**

Swati Pradeep Sankpal

...Applicant

Versus

Pradeep Vasant Sankpal

...Respondent

Mr. Rushikesh Desai i/b Saiprasad Patil, Advocate for the Applicant.

Mr. Someshwar Wale a/w Pooja Wale, Advocate for the Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 4th September, 2026.

P.C. :

1. Heard, Mr. Rushikesh Desai, learned Advocate for the Applicant and Mr. Someshwar Wale, learned Advocate for the Respondent.

2. By the present Application filed under Section 24 of the Code of Civil Procedure, 1908, the Applicant has sought the following substantive relief in terms of prayer clause (a):-

(a) This Hon'ble Court may be pleased to transfer the Respondent Restitution of Conjugal rights proceeding bearing Marriage Petition A No. 1982 of 2025 filed before the Ld. Family Court, Pune to Ld. Civil Judge Senior Division, at Karad;

3. The Applicant - Wife is seeking transfer of the conjugal rights proceedings bearing Marriage Petition A No. 1982 of 2025, filed by the Respondent – Husband, before the Family Court, Pune, to the Court at

Karad, on two grounds :-

(a) The Applicant is a homemaker with no source of income and the sole caregiver of the minor son (aged 13 years) and the minor daughter (aged 7 years).

(b) That the Applicant has her place of abode in Karad District, causing inconvenience to her in attending the proceedings before the Family Court at Pune, which is almost 190 Kms away.

4. On 10.03.2026, the following order was passed :-

1. *Heard learned counsel for the Applicant.*

2. *The Applicant is wife who is seeking transfer of proceedings filed by Respondent-husband in Family Court, Pune for restitution of conjugal rights to the Court of Civil Judge Senior Division, Karad.*

3. *It is stated in the application that the Applicant is staying at Karad with her aged parents and with a son and a daughter. It is stated that the Applicant's children are taking education at Karad. It is further stated that the Applicant is dependent upon her parents for livelihood and therefore, it is difficult for her to attend Court at Pune which is at a distance of about 190 kms from Karad.*

4. *Considering the submissions, issue notice for final disposal to the Respondent, returnable on 07.04.2026. In addition to Court notice, private notice is permitted.*

5. *Till next date, proceedings of Marriage Petition A No. 1982 of 2025 pending before the Family Court at Pune, is stayed.*

5. Mr. Someshwar Wale, learned Advocate for the Respondent, submits that although the Respondent is employed in the private sector, it is not possible for him to take leave on each date fixed in Marriage Petition A No. 1982 of 2025. He states that it will be very difficult for the Respondent to attend the proceedings in Karad. He further submits that according to information received by the Respondent, the Applicant is working as an Anganwadi Teacher, however, he is unable to point out any material to support this contention. He therefore opposes this application.

6. In *N.C.V. Aishwarya vs. A.S. Saravana Karthik Sha*¹, the Hon'ble Supreme Court in paragraph 9 has observed 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

¹ 2022 SCC OnLine SC 1199

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.

7. The Applicant's residence in Karad, the distance of 190 kms from Karad to Pune and the Applicant's role as the sole caregiver of the two minor children born out of wedlock from the Respondent, studying in the District of Karad, are not in dispute. Mr. Rushikesh Desai, learned Advocate for the Applicant, has stated that the Applicant is a homemaker without any source of income.

8. Considering the aforesaid facts, the inconvenience that would be caused to the Applicant in attending and pursuing the Marriage Petition A No. 1982 of 2025 at Pune would be much greater than the inconvenience claimed by the Respondent. In view of the same and more particularly, the Applicant's additional responsibility of taking care of two minor school-going children, I deem it fit and proper to allow this Application in terms of prayer clause (a). Consequently, Marriage Petition A No. 1982 of 2025 is withdrawn from the Family Court, Pune and transferred to the Civil Court at Karad, which has jurisdiction to try

matrimonial and family disputes.

9. The Principal District Judge, Satara, is requested to assign Marriage Petition A No. 1982 of 2025 to the Civil Court at Karad, which has jurisdiction to deal with matrimonial and family disputes.

10. The Applicant shall produce a copy of this order before the Principal District Judge, Satara.

11. Miscellaneous Civil Application No. 10 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)

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