

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 134 OF 2022

Mrs. Sheetal Pravin Pahilwan

.. Applicant

Versus

Mr. Pravin Vijay Pahilwan

.. Respondent

-
- Mr. Suhas Inamdar, Advocate for the Applicant.
 - Mr. Nilesh Wable, Advocate for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 29, 2022.

P.C.:

- 1.** Heard.
- 2.** Parties got married on 11.09.2016. Respondent – husband initiated proceedings for dissolution of marriage / divorce pending on the file of Joint Civil Judge Senior Division & C.J.M., Pune of which transfer is sought by Applicant to Family Court, Solapur. Applicant resides in Solapur with her parents.
- 3.** Perused the ground of hardship stated in paragraph No.11 / B, C, D, H and I of the Application. As Applicant – wife will be required to travel from Solapur to Pune to attend the proceedings, it will cause prejudice and hardship to her.
- 4.** It is well settled by a catena of judgments of the Supreme Court as well as this Court that the primary concern in such matters is the convenience of the wife.

5. The cardinal principle for exercise of power under Section 24 of CPC is that the ends of justice demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever the Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of either of the parties, the social strata of the spouses and behavioural pattern, their standard of life antecedent to marriage and subsequent thereto and circumstances of either of the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Generally, it is the wife's convenience which must be looked at by the Courts, while deciding a transfer application and merits of the case need to be considered.

6. In the present case if the Applicant - wife is forced to go from Solapur to Pune, it would amount to denial of justice to her. It is settled principal of law that justice is not only to be done but it should also appear to have been done. Hence, to strike a balance between the parties with a view to do complete and substantial justice and proceeding on a holistic view of the matter, I am of the considered view that it would be just and expedient to transfer the divorce proceeding from Pune to Solapur.

7. In my opinion, ground of hardship has to be considered in favour of the Applicant, as one way distance between Pune and Solapur is 260 kilometers.

8. In view of the above, Application is allowed and disposed of in terms of prayer clause (b) which reads as under:-

“b) This Hon’ble Court be pleased to transfer Marriage Petition No.1818 of 2021 pending before Hon’ble 18th Joint Civil Judge Senior Division & Addl. C.J.M. Pune between Pravin Vijay Pahilwan versus Sheetal Pravin Pahilwan be transferred to the Family Court Solapur.”

[MILIND N. JADHAV, J.]