

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**

**MISC. CIVIL APPLICATION NO. 315 OF 2022**

Mrs. Disha Pratik Bhoir @  
Disha Paradeshi Patil  
**Versus**  
Pratik Mohan Bhoir

.. Applicant  
  
.. Respondent

- .....
- Mr. S. R. Gaud, Advocate for the Applicant.
  - Mr. Chinmay Chorghe, Advocate for Respondent.

.....  
**CORAM : MILIND N. JADHAV, J.**

**DATE : DECEMBER 02, 2022**

**P.C.:**

- 1.** Heard Mr. Gaud, learned Advocate appearing for Applicant and Mr. Chorghe, learned Advocate appearing for Respondent at length. Perused the Application.
- 2.** Perused Respondent's Affidavit-in-Reply dated 24.11.2022 and objections considered.
- 3.** Parties got married on 07.12.2019. Respondent – husband initiated proceedings for dissolution of marriage / divorce pending on the file of Civil Judge Senior Division, Thane of which transfer is sought by Applicant to Family Court, Bandra. Applicant is residing to Mazgaon, Mumbai. DV proceedings are filed by Applicant at Mazgaon (Sewree) Court. It is seen that Applicant's father is suffering from cancer. Respondent is employed as an Electrical Engineer in CIDCO.
- 4.** Perused grounds of hardship which are pressed in paragraph

Nos. 9 of the Application. As Applicant – wife will be required to travel from Mazgaon to Thane to attend the proceedings, it will cause prejudice and hardship to her.

**5.** 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.

**6.** 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.

**7.** In the present case if the Applicant - wife is forced to go from Mazgaon to Thane, 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 proceeding filed by Respondent-Husband from Thane to Mazgaon.

**8.** As such, Application is allowed and disposed of in terms of prayer clause (b) which reads as under:-

*“(b) That this Hon'ble Court be pleased to transfer the papers and proceeding of M. Petition No. 339 of 2022 which is filed and pending before Civil Court Senior Division, Family Court Thane from such Family Court to the file of Family Court, at Bandra, BKC, Mumbai.”*

[ MILIND N. JADHAV, J. ]

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