

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 272 OF 2022

Poonam H. Navadkar

.. Applicant

Versus

Harshal R. Navadkar

.. Respondent

-
- Mr. Priyal G. Sarda for Applicant
 - Ms. Snehal Bhavat Mande for Respondent
-

CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 02, 2022

P.C.:

1. Heard Mr. Sarda, learned Advocate for Applicant and Ms. Bhavat Mande, learned Advocate for Respondent.

2. Perused the Application. This is an Application filed under Section 24 of the Code of Civil Procedure, 1908 by the Applicant-wife.

3. Parties got married on 14.06.2020. After the marriage, Respondent and his family members started harassing the Applicant and forced her to go to her parents and since 10.01.2021, Applicant is residing with her parents at Indapur. Respondent – husband initiated proceedings for divorce on the file of Family Court, Pune of which transfer is sought by Applicant to Civil Judge Senior Division, Baramati as she resides in Indapur with her parents and works from home. She is employed in IMB Company.

4. Perused grounds of hardship which are pressed in Grounds

B, D, F of the Application. As Applicant – wife will be required to travel from Indapur to Pune to attend the proceedings, it will cause prejudice and hardship to her.

5. Respondent-husband has filed affidavit-in-reply dated 10.09.2022 and raised objections to the transfer of proceedings sought by Applicant. It is submitted on behalf of Respondent that Applicant at present works from home but the same is not permanent and in future, she is likely to start working physically in Pune.

6. Considered the above submissions.

7. 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.

8. 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.

9. In the present case if the Applicant - wife is forced to go from Indapur 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 proceeding filed by Respondent-Husband from Family Court, Pune to Civil Judge Senior Division at Baramati.

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

“(a) That the Petition No. A/1656/2021 pending on the file of Hon’ble Family Court at Pune filed by the present Respondent be transferred to the Hon’ble Civil Judge Senior Division at Baramati”.

[MILIND N. JADHAV, J.]

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