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

MISCELLANEOUS CIVIL APPLICATION NO.373 OF 2022

Sheetal Aniket Gheji

... Applicant

V/s.

Aniket Dundapa Gheji

... Respondent

Ms. Kokila Kalra for the applicant.

Mr. H.P. Vyas with Mr. C.V. Yadav for the respondent.

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CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 17, 2023

PC.:

1. The applicant/wife has filed present miscellaneous civil application seeking transfer of proceedings pending before the learned Civil Judge Senior Division, Pune to Civil Judge Senior Division, Panvel.

2. The marriage between applicant and respondent took place on 12th May 2014. Out of the said wedlock, the parties have one daughter born on 26th January 2016. Due to matrimonial differences, the parties started residing separately. The respondent, therefore, has filed application under section 9 of the Hindu Marriage Act before Civil Judge Senior Division, Pune for restitution of conjugal rights.

3. The respondent has objected for transfer stating that the

respondent is ready to bear expenses of travel. It is submitted that the respondent is ready to take her back and, therefore, the petition for transfer cannot be entertained. It is submitted that the applicant has made false allegations against the respondent. He submitted that she is working at TechMahindra, Pune.

4. Having heard learned advocates for the parties, it is apparent that the wife after their differences has been staying at Panvel. As regards her job in TechMahindra, Pune, it is submitted that she is working from home at Panvel and, therefore, she is ordinary resident of Panvel. The objection about wife about working in TechMahindra is concerned, since she is working from from, she will have to be treated as resident of Panvel. However, in case in future there is material to show that she has permanently shifted to Pune, the husband shall be at liberty to file appropriate application.

5. Since the ordinary residence of the applicant is at Panvel, it is inconvenient for her to attend the proceedings in Pune.

6. The Apex Court in **N.C.V. Aishwarya v. A.S. Sarvana Karthik Sha** reported in 2022 SCC OnLine SC 1199 while considering the issue of transfer of proceedings on an application filed by the wife in paragraph 9 held 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 have to take into 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 convenience which must be looked at while considering transfer.

7. Taking into consideration inconvenience caused to the wife, the application deserves to be allowed.
8. The miscellaneous civil application is allowed in terms of prayer clause (a). No costs.

(AMIT BORKAR, J.)