

Ajay

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

MISC. CIVIL APPLICATION NO. 73 OF 2024

Priyanka Vishal Hande	.. Applicant
Versus	
Vishal Vithalrao Hande	.. Respondent

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- Mr. Anuj Tiwari, Advocate for Applicant.
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CORAM : MILIND N. JADHAV, J.
DATE : SEPTEMBER 04, 2024.

P.C.:

- 1.** Heard Mr. Tiwari, learned Advocate for Applicant.
- 2.** Service has been effected and Respondent is duly served, however none appears for Respondent. The hearing of the Misc. Civil Application (for short “**MCA**”) cannot be protracted any further. Hence, MCA taken up for hearing.
- 3.** Present MCA seeks transfer of the Marriage Petition No.1173 of 2023 pending before the Civil Judge Senior Division, Pune to the Family Court at Nashik.
- 4.** Apart from the proximity of distance between the two destinations, the grounds of hardship are enumerated by the Applicant in paragraph No.4 of the MCA is clearly evident and make out a case for allowing transfer of the Marriage Petition filed by the Respondent in the Civil Court at Pune.

5. Applicant is residing at Nashik and it would undoubtedly be inconvenient for her to attend the Marriage Petition in Pune.

6. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure, 1908 (for short “CPC”) is that the ends of justice should demand the transfer of the proceedings as etched out by the Supreme Court in the case of *N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha*¹. The present case as also the grounds enumerated in the MCA clearly deserve immediate consideration in that regard. The Supreme Court has further given its imprimatur while holding that given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife’s convenience which is to be looked at while considering the transfer.

7. In view of the above observations, MCA stands allowed in terms of prayer clause ‘b’ which reads thus:-

“b. That the said proceeding i.e. Marriage Petition No. 1173 of 2023 pending before the Ld. C.J.S.D., Pune be transferred from the file of the said Court to the Ld. Family Court, Nashik and the same be heard along with the Petition A 853 of 2023 that has been instituted by the Applicant for restitution.”

8. In view of the above, MCA is allowed and disposed.

[MILIND N. JADHAV, J.]

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1 AIR 2022 SC 4318