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

MISC. CIVIL APPLICATION NO. 144 OF 2024

Rupali Sanjay Mule

.. Applicant

Versus

Sanjay Sopan Mule

.. Respondent

-
- Mr. Abhang Suryawanshi, Advocate i/by Mr. Narayan Rokade for the Applicant.
 - Ms. Sheena Patil, Advocate for Respondent.
-

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 27, 2024.

P.C.:

- 1.** Heard Mr. Suryawanshi, learned Advocate for Applicant and Ms. Patil, learned Advocate for Respondent.
- 2.** Present Misc. Civil Application (for short “MCA”) is filed by the wife seeking transfer of proceedings bearing Petition No.A-3578 of 2022 before the Family Court Bandra by the Respondent – husband to the Court at Civil Judge Senior Division, Khed (Junnar), Pune.
- 3.** Apart from the proximity of distance between the two destinations, hardship of the Applicant is clearly evident which would be faced by the Applicant. I have perused the grounds stated below paragraph No.6 in the MCA. After going through the said grounds, the hardship of Applicant is clearly evident. Applicant would have to travel

all the way to Mumbai and would require accompaniment of an elder / parent as also would require to stay in Mumbai. Averments made in the MCA reveal that Applicant has severe financial constraint and in that view of the matter, Applicant's hardship gets compounded.

4. *PER CONTRA*, Ms. Patil, learned Advocate for Respondent – husband would submit that Respondent has met with an accident in the past and therefore steel plate and rod is fitted in his legs, due to which he encounters difficulty in travelling by Bus for long hours. She would submit that on this ground this Court may consider Respondent's objection and be pleased to dismiss the present MCA.

5. Though Respondent may encounter some difficulty in view of the reasons stated, the hardship of the Applicant in the present case would far outweigh the submissions made on behalf of the Respondent – husband.

6. Applicant – wife is a lady who would have to travel and stay in Mumbai where costs are extremely high. She would also require accompaniment of an elder / parent for her safety and security.

7. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure, 1908 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.

¹ AIR 2022 SC 4318

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.

8. However, submissions made by the Advocate for Respondent with respect to the hardship will also have to be duly considered.

9. In view of my above observations, MCA stands allowed in terms of prayer clause 'c' which reads thus:-

"c) By issuance of appropriate order and/or directions in the like nature, the proceeding bearing Petition A No. 3579 of 2022 pending Ld. Family Court, Bandra may kindly be transferred to Ld. Civil Judge Senior Division, Khed in the interest of justice."

10. Learned Civil Judge Senior Division, Khed, Pune is directed and shall permit the Respondent – husband to appear on VC in the said proceedings on the scheduled dates of hearing.

11. With the above directions, MCA stands allowed and disposed.

[MILIND N. JADHAV, J.]

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