

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

MISC. CIVIL APPLICATION NO. 360 OF 2023

Antara Mayur Sharbidre	Versus	...Applicant
Mayur Sadanand Sharbidre		...Respondent

Mr. Sunil Kamble, a/w Rohit Shevate, for the Applicant.

**CORAM: N. J. JAMADAR, J.
DATED: 14th FEBRUARY, 2025**

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ORDER:-

1. Heard the learned Counsel for the parties.
2. The applicant – wife has preferred this application seeking transfer of HMP/100/2023, filed by the respondent – husband, for dissolution of marriage, from the Court of Civil Judge, Senior Division, Oros, to the Court of Civil Judge, Senior Division at Kolhapur.
3. The notice has been duly served on the respondent through Court.
4. None appears for the respondent.
- 5.

2005, before the Court of Civil Judge, Senior Division, Kolhapur. It seems that the applicant is dependent on her parents. The applicant has no source of income. The applicant does not seem to have the financial and logistical support to effectively defend the proceeding at Oros. If the matrimonial petition is tried at Oros, the applicant will suffer extreme inconvenience and hardship.

6. It is trite that in the matter of transfer of matrimonial proceedings, ordinarily, it is the convenience of the wife which commands precedence.

7. A useful reference, in this context, can be made to a decision of the Supreme Court in the case of *N.C.V. Aishwarya vs. A. S. Saravana Kartihk Sha*¹, wherein the factors which should weigh in, in deciding the prayers for transfer of the proceedings arising out of matrimonial disputes, were succinctly enunciated 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 are called upon to consider the plea of transfer, the 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

1 2022 SCC Online SC 1199.

Indian society, generally, it is the wife's convenience which must be looked at while considering transfer."

8. In the case at hand, the elements of inconvenience and hardship tilt in favour of the applicant. I am, therefore, inclined to allow the application.

9. Hence, the following order:

: O R D E R :

- (i) The application stands allowed in terms of prayer clause (a).
- (ii) HMP/100/2023 pending on the file of Civil Judge, Senior Division at Oros, stands transferred to the Court of Civil Judge, Senior Division at Kolhapur for hearing and disposal in accordance with law.
- (iii) The learned Civil Judge, Senior Division at Oros shall transfer the record and proceedings in HMP/100/2023 with such dispatch that it reaches the Court of Civil Judge, Senior Division at Kolhapur, within a period of four weeks from the date of communication of this order.
- (iv) Application stands disposed.

No costs.

[N. J. JAMADAR, J.]