IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 149/2025

CHRISTY JEBA NADAR ..APPLICANT
VS
DANIEL DAVID JESUDASS NADAR ..RESPONDENT

Adv. Pipli Datta for applicant.
None for the respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 19 DECEMBER 2025.

P.C. :

1. Office remark shows that the respondent has been duly served.

2. Ms. Datta, learned counsel appearing for the applicant, has tendered affidavit of service in order to prove that the respondent has also been served by advocate's private notice.

3. The affidavit of service shows that the respondent has been served personally on 24 September 2025.

4. None appears for the respondent, when the matter is called out for hearing. It seems that the respondent is not interested in attending the present proceeding, therefore, I am proceeding further with hearing of the present Misc. Civil Application.

5. The applicant is the wife of the respondent who is seeking transfer of her own divorce petition filed before 3rd Additional District and Sessions Judge, Kalyan, District Thane and to be transferred to Family Court at Bandra, Mumbai.

6. It is the case of the applicant that she is staying at Mulund, Mumbai, along with her eight years old daughter. She was early staying at Ambarnath, District Thane. Since there was changed in her job and now she is working with HDFC Bank, Kanjurmarg Branch and is staying on leave and license basis at Mulund (East), Mumbai. The respondent-husband is staying at Kandivali with one lady having extra marital affair with her.

7. The applicant is seeking transfer of her own proceeding from 3rd Additional District and Sessions Judge, Kalyan, District Thane to the Family Court at Bandra, Mumbai. There will be no inconvenience even to the respondent-husband if the proceedings are transferred as the respondent is staying at Kandivali.

8. Supreme Court in case of ***N.C.V. Aishwarya vs. A.S.Saravana Karthik Sha***, reported in ***2022 SCC OnLine SC 1199*** has held that the convenience of the wife has to be seen for the transfer proceedings. Paragraph no.9 of the said judgment reads 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 Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.*
>
> (Emphasis supplied)

9. Considering the law as laid down by the Supreme Court in case of ***N.C.V. Aishwarya*** (supra) and the facts of the present case where the applicant is seeking transfer of her own proceeding to Mumbai where she is now staying on leave and license basis and so also, the respondent is also staying in Mumbai, according to me, a case is made out to allow the present Misc. Civil Application.

10. Present Misc. Civil Application is allowed in terms of prayer clause (b).

11. The proceedings of Marriage Petition No. 62 of 2019 pending before 3rd Court of Additional District Sessions Judge at Kalyan, Thane, Maharashtra be transferred to the Family Court at Bandra, within a period of four weeks from today.

12. The hearing of the abovementioned Marriage Petition No.62 of

2019 is hereby expedited.

13. Learned counsel for the applicant is hereby directed to convey the order passed today to 3rd Court of Additional District Sessions Judge at Kalyan, Thane and file affidavit to that effect within a period of two weeks from today.

14. Similarly, Registrar (Judicial-I) is hereby directed to communicate the order passed today to the Registrar of 3rd Court of Additional District Sessions Judge at Kalyan, Thane, Maharashtra, by E-mail.

15. The Misc. Civil Application is disposed of accordingly.

16. All parties to act on an authenticated copy of this order.

(Rajesh S. Patil, J.)

Signed by: Diksha Rane
Designation: PS To Honourable Judge
Date: 22/12/2025 11:54:41