IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 198/2025

SNEHA RAHUL KOLAMBARE ..APPLICANT
VS
RAHUL SHANKARRAO KOLAMBARE ..RESPONDENTS

Adv. B. K. Bhutada for applicant.
None for the respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 19 DECEMBER 2025.

P.C. :

1. Learned counsel appearing for the applicant seeks leave to amend the prayer clause by deleting the words “or Civil Judge, Senior Division, Nashik Road’.

2. Leave as prayed for is granted. Amendment to be carried out forthwith on the hard copy of the application and within a period of one week on the e-filing.

3. Office remarks shows that the respondent has been duly served.

4. Learned counsel for the applicant tenders affidavit of service to that effect.

5. None appears for the respondent today, when the matter is called out for hearing. Even on the earlier occasion though the respondent was served, he has chosen not to appear in the present proceedings. It seems that the respondent is not interested to pursue the matter any further. Therefore, I am proceeding further to hear the present application.

6. Mr. Bhutada, learned Counsel for the pplicant submits that the applicant, who is the wife of the Respondent is seeking transfer of the divorce proceeding filed by the respondent before the learned CJSD, Kalyan to the Family Court, Nasik Road. He submits that the applicant is staying at Nasik Road along with her five year old son. She has filed (i) D. V. proceedings before the learned JMFC, Nasik Road and two proceedings, being the (ii) Marriage Petition No. 381 of 2022 filed under Section 9 of the Hindu Marriage Act, 1955 and the (iii) Marriage Petition No.105 of 2022 filed under Section 125 of the Code of Criminal Procedure, 1973 before the Family Court, Nasik Road. So also, one more Petition, being (iv) RCC No. 217 of 2024 filed under Section 498A of the Indian Penal Code before the learned JMFC, Nasik Road.

7. 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.*
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> (Emphasis supplied)

8. 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 staying with her minor son aged 5 years. According to me, a case is made out to allow the present Misc. Civil Application.

9. Present Misc. Civil Application is **allowed** in terms of prayer clause (a).

10. The proceedings of Marriage Petition No. 141462 of 2024 pending before the Civil Judge, Senior Division at Kalyan, be transferred to the Family Court at Nashik Road, within a period of four weeks from today.

11. The hearing of the abovementioned Marriage Petition is hereby expedited.

12. Learned counsel for the applicant is hereby directed to convey the order passed today to Civil Judge, Senior Division at Kalyan and file affidavit to that effect within a period of two weeks from today.

13. Similarly, Registrar (Judicial-I) is hereby directed to communicate the order passed today to the Registrar of Civil Judge, Senior Division at Kalyan, by E-mail.

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

15. 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 11:58:18