

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 304 OF 2025

Firoja Wahab Vindhani

..... Applicant

VERSUS

Wahab Haroon Vidhani

..... Respondent

Mr. Owais Pechkar for the Applicant.

Ms. Farhana Shah for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 22 SEPTEMBER, 2025

P.C. :-

- 1) Mr. Pechkar, learned advocate appearing for the applicant seeks liberty to amend the prayer clause (a) of the Miscellaneous Civil Application.
- 2) Liberty as prayed, granted. Amendment to be carried out forthwith.
- 3) This transfer proceeding has been filed by the applicant wife of the respondent seeking transfer of the civil suit filed before the Civil Judge Junior Division, Mahad, Raigad to the Civil Judge Junior Division, Ratnagiri.
- 4) It is the case of the applicant that she is staying with her

two minor children in Ratnagiri at her parents' house. She is not educated lady and her parents are aged. The distance between the Ratnagiri and Civil Judge Junior Division, Mahad is around 225 km. There is nobody to accompany the present applicant to Mahad to attend the court proceedings. Earlier there was mediation between the parties. However, due to un-cooperative behaviour of the respondent, the terms which were entered into, also failed. The father of the applicant infact had helped the respondent to come from Mahad to Ratnagiri and had managed to open a business of a footwear store in Ratnagiri. However, without informing anybody, the respondent left Ratnagiri and went back to Mahad under the influence of his elder brother.

5) The Hon'ble 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)

6) Hence, considering the law laid down by the Honb'ble Supreme Court in case of *N.C.V. Aishwarya* (supra) and the facts of the present case, I am convinced that the present Miscellaneous Civil Application requires to be allowed.

7) The present Miscellaneous Civil Application is allowed in terms of prayer clause (a). The said prayer clause (a) reads as under :-

(a) That, by appropriate writ, direction, order it may be issued for transferring the Civil Suit No. 09/2017 pending before the Ld. Civil Judge Junior Division, Mahad, Raigad to the Ld. Civil Judge Junior Division at Ratnagiri Civil Court in the Ratnagiri where the Petitioner presently resides with her parents.

8) The Civil Judge Junior Division, Raigad should transfer the Civil Suit No. 09 of 2017 to the Family Court at Ratnagiri within a period of four weeks from today.

[RAJESH S. PATIL, J.]