

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 1 OF 2025

ANAND
SUDHAKAR
SUDAME

Sneha Sanjeev Verma

..Applicant

Versus

Sanjeev Chandraprakash Verma

..Respondent

Digitally signed
by ANAND
SUDHAKAR
SUDAME

Mr. S. M. M. Owais T. Jahagirdar a/w. Mr. Vahid Shaikh & Mr. Ibrahim Sayyed, Advocates, for the Applicant

Date: 2025.10.16
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CORAM : RAJESH S. PATIL, J.

DATE : 14.10.2025

P. C.

1. Mr. Jahagirdar, learned Counsel for the Applicant seeks liberty to amend the prayer clause. Liberty as prayed for is granted. Amendment to be carried out forthwith.

2. This is a transfer Application filed by the Applicant, who is the wife of the Respondent before the learned JMFC, Cantonment Court, Pune to the Family Court, Pune.

3. Office remarks show that the Respondent has been duly served. Even on the last occasion, none appeared on behalf of the Respondent. Hence, by way of last chance, the matter was adjourned to today. Even today none appears for the Respondent when the matter is called out. Therefore, I proceed to hear the Applicant on merits.

4. Learned Counsel for the Applicant submitted that the Applicant is homemaker and is not an employed for gain. The Respondent – husband is a Civil Engineer by profession and is residing and working in Pune. The Respondent – husband has filed a divorce proceeding in Pune, however, even in that proceeding, he did not attend on several dates. The Applicant has filed D. V. proceeding before the learned JMFC, Andheri, Mumbai. In the said proceedings, the Interim Maintenance Application has been filed. In the said Interim Maintenance Application, an Order granting Rs. 7,000/- per month was passed. Till date, he has paid only Rs. 40,000/-. The Respondent has filed divorce proceedings in Pune and the Applicant is staying in Pune. The distance between Pune and Mumbai is around 156 Km. Hence, it would be difficult for the Applicant – wife to attend every date of hearing at Pune.

5. The Supreme Court in the case of ***N. C. V. Aishwarya vs. A. S. Sarvana Karthik Sha***, reported in ***2022 SCC OnLine SC 1199*** has held that while considering transfer proceedings, convenience of the wife has to be taken into consideration. Paragraph 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 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. In the case of Jyoti Abhijeet Kandage vs. Abhijeet Narayan Kandage (Misc. Civil Application No.239 of 2024), I have considered all the provisions as far as transfer proceedings are concerned. In paragraph No.15 and 15.2, it has been held as under :-

"15) Considering the Sections of D.V. Act, and the Judgments discussed in the above paragraphs, it becomes evident that Family Court has power to decide complaint which seeks relief under Sections 18 to 22 of the D.V. Act. Hence in my opinion, transfer of proceedings from Magistrate's Court to Family Court pertaining to relief claimed under Section 18 to 22 of the D.V. Act can be allowed. However, if a transfer proceedings is not a bonafide one, then on merits such a transfer on case to case basis can be rejected. One has to also keep in mind the stage of the proceedings of which transfer is sought.

15.2) So also, one has to also keep in mind who is coming to the court for the transfer of the proceedings, whether it is the Wife or the Husband or any other party. Since a choice is given to the aggrieved person under the D.V. Act to choose the forum for reliefs sought under Section 18 to 22, (i.e.) before the Magistrate under Section 12 or to the civil court, family court or criminal court under Section 26, such transfer if sought by a Wife, considering the judgment of the Supreme Court in the case of N.C.V Aishwarya

(supra) will have to be considered favourably.”

7. Considering the law laid down by the Supreme Court in the case of *N. C. V. Aishwarya (Supra)* and the view taken by me in *Jyoti Abhijeet Kandage (Supra)* and the facts of the present case where husband is not obeying the Orders passed in the D. V. proceedings and in the divorce proceedings filed by him, he is not ready to file an Affidavit of evidence. Therefore, according to me, a case is made out to allow the Application.

8. The Miscellaneous Civil Application stands allowed in terms of **prayer clause (a)**.

9. The learned Judge, CJSD, Pune is hereby directed to transfer the proceedings, being Marriage Petition No. A-832 of 2019 to the Family Court, Bandra, Mumbai within a period of four weeks from today.

10. The Respondent – husband is permitted to attend the Court proceedings through VC mode and in case, the learned Judge is of the view that his physical presence is required in the said proceedings, he will have to attend the said proceedings physically.

(RAJESH S. PATIL, J.)