

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 55 OF 2024

Pooja Ishan Bawaskar @ Pooja Ukrande Applicant

VERSUS

Ishan Ravindra Bawaskar

..... Respondent

None for the Applicant.

Mr. Shashank Shubham a/w Mr. Darpan Gupta i/b Yogen Kakde for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 24 SEPTEMBER, 2025

P.C. :-

1) This Miscellaneous Civil Application has been filed by the wife of Respondent, seeking transfer of Divorce Petition filed by the husband at Pune, to Family Court at Bandra, Mumbai.

2) The learned Advocate appearing for the Respondent submits that MCA is filed in the year 2023 and though more than a year back the parties were directed to approach Mediation Centre at

Pune, nothing has been done till now, as far as mediation is concerned. He fairly submits that the matter can be heard on merits.

3) It is submitted in the MCA that the Applicant-wife is residing in Mumbai in the vicinity of Tardeo with her parents and brothers. The

Divorce Petition is filed by the Respondent-husband at Pune, and at present, the Respondent-husband is at Bahrain. There are no children born out of the wedlock. It is further submitted that the Applicant-wife has also filed Divorce Petition in Family Court at Bandra. Therefore, both the Divorce Petitions can be clubbed together and heard at Family Court, Bandra, as the Respondent is working and residing at Bahrain.

4) The learned Advocate appearing for the Respondent submits that instead of transferring the Divorce Petition of Respondent-husband to Mumbai, the Divorce Petition filed by the Applicant-wife in Mumbai can be transferred to Pune and can be heard together in Family Court, Pune. He further submits that the Respondent-husband has given Power of Attorney to his mother who is residing in Pune and it would be extremely difficult for his mother to attend the court proceedings in Mumbai.

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 Hon'ble Supreme Court in case of **N.C.V. Aishwarya** (supra) and the facts of the present case where the Respondent-husband is working and residing at Bahrain and the Applicant-wife is residing in Mumbai with parents, I am convinced that the transfer proceedings filed by the Applicant-wife should be allowed.

7) MCA is allowed in terms of prayer clause (a).

8) The Family Court at Pune is directed to transfer the papers and proceedings of Divorce Petition No.A-1908 of 2023 to Family Court, Bandra, Mumbai within a period of four weeks from today.

9) Once the papers and proceedings of Divorce Petition No.A- 1908/2023 are received at Family Court, Bandra, Mumbai, the same to be tagged and heard alongwith Divorce Petition A-2780/2023 by the Family Court, Bandra, Mumbai.

[RAJESH S. PATIL, J.]