

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO. 56 OF 2025

Sunita Lakhan Bhosale

..Applicant

Versus

**ANAND
SUDHAKAR
SUDAME**

Lakhan Shetyappa Bhosale & ors.

..Respondents

Mr. Aditya R. Deshmukh (Through VC), Advocate, for the Applicant
Mr. Samay Pawar, Advocate, for the Respondents

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Date: 2025.10.15
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CORAM : RAJESH S. PATIL, J.

DATE : 14.10.2025

P. C.

1. This is a transfer proceeding filed by the Applicant, wife of Respondent No. 1 seeking transfer of the domestic violence complaint filed by her before the learned 6th Jt. CJJD & JMFC, Kolhapur to the District & Sessions Court, Pune.

2. It is the case of the Applicant – wife that she has recently shifted to Pune from Kolhapur and at present, she is working at Pune and staying along with her 13 years old son, who is studying in Pune. So also Respondent No. 1 – husband is also working in Pune.

3. As the Applicant is working in Pune, it is very difficult for her to follow with the proceedings at Kolhapur. Therefore, for her convenience, she is seeking transfer of the proceedings from Kolhapur

to Pune and even for Respondent No. 1 – husband also it would be convenient to attend the Court proceedings at Pune.

4. Mr. Pawar, learned Counsel for the Respondents opposes the Application on the ground that though Respondent No. 1's office is at Pune, he is working from home. Respondent Nos. 2 to 4 are residing at Kolhapur. It would be difficult for them also to attend the Court proceeding at Pune.

5. I have heard learned Counsel for both the parties and gone through the documents on record.

6. 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)

7. 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.”

8. Considering the ratio laid down in the above Judgments and also the fact that it is the Applicant’s own proceeding she wants to transfer from Kolhapur to Pune, as she is staying in Pune and her husband is

also working in Pune.

9. According to me, a case is made out to allow the Application. The Miscellaneous Civil Application is allowed in terms of **prayer clause (A)**.

10. The learned 6th Jt. CJJD & JMFC, Kolhapur is directed to transfer the proceedings, being Application No. 9 of 2022 pending before him be transferred to the District & Sessions Court, Pune within a period of four weeks from today. The hearing of the aforesaid proceeding is expedited.

(RAJESH S. PATIL, J.)