

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 57 OF 2025****ASHWINI SANTOSH KELKAR****..... APPLICANT****VERSUS****SANTOSH SUHAS KELKAR****..... RESPONDENT**

Adv. Vaibhav Ugle a/w. Adv. Nitin Khamgaonkar for the Applicant.

Adv. Sarthak Diwan i/b. Adv. Akshay Kulkarni for the Respondent.

CORAM : RAJESH S. PATIL, J.**DATE : 12 NOVEMBER, 2025****P.C. :-**

1) This transfer application has been filed by the applicant, who is the wife of the respondent, thereby seeking transfer of the divorce petition filed by the respondent-husband before the Family Court at Sangli, to be transferred to the Family Court at Pune.

2) I have heard learned advocates for both the sides and with their help, I have gone through the documents on record.

3) The applicant-wife is staying at Pune with her 8 years old son, who is studying in Indian Model International School at Pune. The husband has filed divorce proceedings at Sangli. The distance between Pune and Sangli is around 235 kms. It is the case of the wife

that it will be difficult for her to attend the proceeding at Sangli and return back on the same day by travelling 235 kms. There is nobody else who could accompany her to attend the court proceeding at Sangli.

4) The applicant-wife has filed DV proceeding before the Judicial Magistrate First Class, Pune. In the DV proceeding, the reliefs are sought under Section 18 to Section 23. She has also filed Section 498-A complaint before the Sangli Gramin Police Station at Sangli, as according to her, the cause of action to file said complaint had arisen at Sangli.

5) The 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 while deciding 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) Considering the law laid down by the Supreme Court in the above judgment and the facts of the present proceedings where the applicant-wife who is staying with her mother and brother alongwith her 8 years old son who is studying in Indian Model International School at Pune, I am of the view that the present Miscellaneous Civil Application requires to be allowed.

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

8) The proceedings of Marriage Petition No. A 37 of 2024 pending before the Family Court No.1, Sangli be transferred to the Family Court at Pune within a period of four weeks from today.

9) The respondent-husband can prefer an application to permit him to attend the court proceedings by video conferencing. If such application is preferred, the same be decided by the learned Judge on merits, after hearing both the parties.

[RAJESH S. PATIL, J.]