

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 83 OF 2025

Akanksha Yogesh Bhosale

..... Applicant

VERSUS

Yogesh Ashok Bhosale

..... Respondent

Ms. Kranti Bhosale for the Applicant.

Mr.Himanshu Nagarkar for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 26 SEPTEMBER, 2025

P.C. :-

1) Ms.Bhosale, learned advocate appearing for the applicant seeks leave to amend the prayer clause of the Miscellaneous Civil Application by correcting the year of Petition No. 2144 of 2024 to Petition No. 2144 of 2023.

1.1) Leave granted.

1.2) Amendment to be carried out forthwith.

2) This is a transfer application filed by the applicant wife of respondent, seeking transfer of the divorce proceedings filed by the husband before the Family Court at Pune to the Family Court at Nashik.

3) I have heard learned advocates for both the sides and I have gone through the documents on record.

4) It is wife's case that she is staying at Nashik with her parents and the respondent is working at Bangalore. He has his house at Pune where his parents are residing. There is no issue out of the wedlock of the applicant with the husband. It has been submitted before me that the mediation has failed four times, two before the Family Court and two before the D.V. Court.

5) It has also been submitted before me that the husband has filed proceeding at Pune and in order to attend those proceedings, even the husband has to travel from Bangalore if the proceedings of the Pune are transferred to Nashik where the D.V. proceedings filed by the wife and the restitution of conjugal right petition filed by the wife are pending, all three proceedings can be heard together and in any case, the husband is not staying in Pune. Therefore, if the question of convenience is considered, it will be inconvenience for the wife who has to travel from Nashik to Pune whereas the husband who is residing at Bangalore, has to travel from Bangalore to Pune by a flight/train or Nashik, where a direct flight is available.

6) 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)

7) 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, in my view, the present Miscellaneous Civil Application requires to be allowed.

8) Mr. Nagarkar, learned advocate appearing for the respondent submits that one has to also consider the facts of the Hon'ble Supreme in case of ***N.C.V Aishwarya*** (supra). He submits that

one has to consider the distance between Chennai and Vellore.

9) I have considered the facts as narrated in the judgment of ***N.C.V. Aishwarya*** (supra) in the said judgment, place to travel was from Chennai to Vellore where the distance is around 140 km. In any case, it is a law which is laid down by the Hon'ble Supreme Court and the same would be applicable in the present proceedings.

10) In the present proceeding, the wife would have to travel from Nashik to Pune which is around 190 km. In any case, the respondent husband is not residing in Pune. Admittedly, he is residing at Bangalore and has to travel from Bangalore to Pune on the date of the hearing. Instead of that, he has to travel from Bangalore to Nashik if the present Miscellaneous Civil Application is allowed.

11) Considering the facts, the present Miscellaneous Civil Application is allowed in terms of prayer clause (a). The said prayer clause (a) reads as under :-

(a) This Hon'ble Court be Pleased to transfer the Divorce Petition for Divorce allegedly filed by present Respondent under section 27 (d) of the Special Marriage Act 1954 bearing Petition No.2144 of 2023 titled Mr. Yogesh Ashok Bhosale V/s Akansha Yogesh Bhosale filed Before the Family Court Pune, at Pune filed by the present respondent pending before the Learned District court Pune , to Nasik Family Court , Nasik .

12) The Family Court at Pune is directed to transfer the proceeding of Petition No. 2144 of 2023 within four weeks to the Family Court at Nashik.

13) The Family Court at Nashik to hear the transfer Petition No. 2144 of 2023 alongwith Petition No. 730 of 2023.

[RAJESH S. PATIL, J.]