



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 91/2024

SWATI RAHUL PURI

..APPLICANT

VS.

RAHUL BADRINARAYAN PURI

..RESPONDENT

Mr. Rahul More for applicant.

None for the respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 10 SEPTEMBER 2025.

P.C. :

- 1.** Mr. More, learned counsel for the applicant submits that as per office remark, notice has been duly served on the respondent.
- 2.** Heard learned counsel for the applicant.
- 3.** None appears for the respondent, when the matter is called out for hearing.
- 4.** This proceeding is filed by the husband seeking transfer of Petition No. 349 of 2023 pending before the Family Court at Aurangabad to the Civil Judge, Senior Division at Panvel. It is the case of the applicant that the applicant is residing at Panvel and the

respondent has purposely filed proceedings at Aurangabad. The distance between Panvel and Aurangabad is around 350 kms. Therefore, the journey from Panvel to Aurangabad would be overnight journey if the applicant has to attend the matter filed by the respondent. The applicant has aged parents and there is no one to look after her daughter who is studying in 6th standard in a school at Panvel. There is no one to look after the minor daughter of the applicant, in case, the applicant wants to attend the proceedings at Aurangabad. Therefore, it is not possible for the applicant to attend the proceedings in Aurangabad.

5. The Supreme Court in the case of *N.C.V. Aishwarya Versus A.S. Saravana Karthik Sha*, reported in *2022 SCC OnLine SC 1199*, in Paragraph No.9 states 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)

Therefore, preliminary it has to be seen convenience of the wife.

6. As the office note shows that the respondent has been served and none appears on behalf of the respondent when the matter is called out, interim protection needs to be given to the applicant.

7. Stand over to **26 September 2025**.

8. In the meanwhile, there will be interim relief in terms of prayer clause (b).

(Rajesh S. Patil, J.)