



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

MISC. CIVIL APPLICATION NO.156/2024

SHEETAL NAGLE

..APPLICANT

VS

AMIT BISHT

..RESPONDENT

Ms. Rukmini Khairnar i/b. Mr. Sumant Patale for applicant.
None for the respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 11 NOVEMBER 2025.

P.C. :

- 1.** None appears for the respondent, when the matter is called out for hearing.
- 2.** Even on the earlier two occasions, none appeared for the respondent, when the matter is called out for hearing though a vakalatnama is filed by an Advocate on behalf of the respondent.
- 3.** Ms. Khairnar, learned counsel for the applicant submits that the settlement talks have failed, therefore, she has instructions to proceed further with the argument of the Misc. Civil Application.
- 4.** It is the applicant's case that the applicant is staying in Pune along with her two daughters who are studying in school at Pune.

The respondent is a Director at Price Water House Coopers, at Dubai, U.A.E. The respondent has filed a divorce proceedings with the Family Court, Thane and in the said proceedings, he has specifically stated in paragraph no.5c that from the year 2019, he has been working and staying at Dubai. She further submitted that though the respondent is staying in Dubai and has house at Andheri, Mumbai, he has preferred divorce proceedings at the Family Court at Thane. The distance between Pune City and Thane is around 180 kms. It is not convenient for the applicant to travel from Pune to Thane to attend the Court proceedings neither it can be convenient to the respondent to attend the Court proceedings at Thane, when he himself is staying at Dubai.

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 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 Hon'ble Supreme Court in case of ***N.C.V Aishwarya*** (supra), and the facts of the present case, I am convinced that the present Misc. Civil Application requires to be allowed.

7. The Misc. Civil Application is allowed in terms of prayer clause (a).

7.1 The proceedings of Marriage Petition No.A-448/2023 pending before the Family Court at Thane be transferred to the Family Court at Pune within a period of four weeks from today.

8. The Misc. Civil Application is disposed of accordingly.

(Rajesh S. Patil, J.)