

Digitally signed
by
HUSENBASHA
RAHAMAN
NADAF
Date:
2025.12.04
10:59:16 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 256 OF 2024

Rutuja Manoj SutarApplicant
V/s
Manoj Rajendra SutarRespondent

Mr. Bhushan U. Deshmukh a/w. Mr. Shashank Patare for Applicant.
Mr. Nitesh Agarwal a/w. Mr. Sachin Patil for Respondent.

CORAM : M.M. SATHAYE, J.

DATE : 3rd DECEMBER, 2025

P.C. :

1. Heard learned for the parties. Perused the record.
2. This is an application by wife seeking transfer of the matrimonial proceedings H.M.P-A-No.296 of 2023 filed by Respondent-husband in the Family Court At Dhule. The said proceedings are for dissolution of marriage under Section 13(1)(i)(a) of the Hindu Marriage Act, 1955.
3. The case of the Applicant is that she has no source of income and she is currently residing at Lasalgaon, Taluka Niphad, District Nashik with her parents. It is contended that Dhule is situated at 158 kms distance from Lasalgaon. That she is required to unnecessary spend for traveling to Dhule for attending above proceedings. That she is not able to maintain herself and even her parents are unable to maintain the Applicant as they are old, having medical problems.
4. The Respondent has filed affidavit-in-reply dated 11.11.2025

opposing request of transfer. Respondent-husband contends *inter alia* that the Applicant is a well-educated person, having qualification of M.A. English with B.Ed, who was employed as a teacher prior to marriage, however, she voluntarily left the job after marriage. It is contended that the Applicant's father is well established businessman at Lasalgaon engaged in the glass & aluminum business. It is contended that the Applicant was earlier employed at Pune, however, owing to the matrimonial dispute, harassment and disturbances arising therefrom, the Applicant left the said employment in December 2023 and is currently residing with his brother at Dhule being jobless. It is further contended that during pendency of the present transfer application, the Applicant has filed two proceedings against the Respondent in Niphad Court. That therefore reciprocally the Respondent will also be required to visit Niphad for attending said proceedings. The Respondent relied upon his IT return for assessment year 2025-26 in support of his case of being jobless. No rejoinder is filed.

5. I have considered the rival contentions.

6. It is settled position of law that transfer-applications filed in matrimonial disputes can not be governed by a straight-jacket formula. Their very nature and attending circumstances differ from the case to case.

7. There are no children born from the wedlock. In fact the co-habitation as husband-wife has been for a very short time. The Respondent has produced on record a screen-shot of google-map

showing distance between the place of Applicant's residence and the Court at Dhule as 116 kms. Income tax return produced by the Respondent-husband shows no income. It is clearly seen from the record that during pendency of present transfer application (filed in March 2024), the Applicant-wife has filed at least two proceedings in Niphad Court, in the month of July and August of 2024, one under Criminal Procedure Code and other under Domestic Violence Act.

8. In such circumstances, when both the parties are claiming that they do not have financial support; wife claiming dependency of the parents and husband claiming joblessness and dependency on brother for residence, it is a usual story of word-against-word. There is nothing concrete to come to the conclusion about financial weakness of either side. It is not disputed that the Applicant-wife is an educated person having degree in M.A. English B.Ed. and the Respondent is also an Engineer. In the present age and times of 'claimed-equality in every field of life', both these educated persons, are capable of earning for themselves. Just because they are in a relationship of husband and wife, their capabilities can not be assumed unequal. It is better to be guided by harsh facts, rather than by misplaced sympathy.

9. The distance between the two places, where presently husband and wife are situated, is 116 kms. For this parameter, technology is more believable than a statement of party. It is not alarmingly long distance and is certainly a manageable distance for both husband and wife, in the opinion of this Court.

10. Hence, in the aforesaid peculiar facts of this case, I do not find this case worthy for the consideration to tilt on either side. In any case, as on today, the husband is also required to come to Niphad for attending cases filed by wife, just as the wife is required to attend the case at Dhule.

11. In the aforesaid facts and circumstances, in my view, this is not a fit case to transfer the proceedings from Dhule to Niphad.

12. **The application is accordingly rejected.** No order as to costs. Interim stay granted by this Court on 14.10.2025 stands vacated.

13. The document of IT return filed by the Respondent-husband with his affidavit-in-reply will not prejudice the case of either party seeking maintenance from each other, as the case may be.

14. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)