

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
MISC. CIVIL APPLICATION NO.272 OF 2024**

Pooja Vrushabh Agrawal ... Applicant  
versus  
Vrushabh Omit Agrawal ... Respondent

Mr. Mayur Vinod Faria i/by Mr. Harshal Hasmukh Savla, for Applicant.  
Mr. Amit Tandulkar with Mr. Kunal Patil, for Respondent.

**CORAM: N.J.JAMADAR, J.**

**DATE : 25 APRIL 2025**

**P.C.**

1. Heard the learned Counsel for the parties.
2. This application is filed for transfer of Marriage Petition No.85 of 2024 from the Court of Civil Judge, Sr. Division, Pune to the Family Court at Dhule.
3. The marriage of the applicant was solemnized with the Respondent on 2 July 2021. In the wake of the marital discord, the applicant was constrained to take shelter at her parental home at Dhule. The applicant has lodged a report leading to the registration of C.R.No.350 of 2023 for the offences punishable under Sections 498-A, 504, 506 of the Indian Penal Code against the Respondent and his relatives. The Applicant has also lodged a proceeding under the Protection of Women from Domestic Violence Act, 2005, being Criminal M.A.No.485 of 2023, before the Court of Judicial Magistrate, First Class, Dhule. The Respondent, in turn, has filed a Petition for dissolution of marriage before the Court of Civil Judge, Sr. Division, at Pune,

being MP No.85 of 2024. The applicant claims that it is extremely inconvenient to the applicant to attend the proceeding at Pune. Hence, this application.

4. The Respondent resisted the application by filing an affidavit in reply. It is contended that the Respondent would suffer more hardship in the event proceeding is transferred from Pune to the Family Court at Dhule.

5. I have perused the averments in the application and the reply thereto. Evidently, the distance between Pune and Dhule is more than 300 kms. The applicant does not seem to have logistical and financial support to effectively defend the proceeding at Pune. Two proceedings are subjudice before the Court at Dhule, where the applicant has been constrained to reside. The applicant would suffer extreme inconvenience and hardship if the applicant has to travel to, and attend the proceeding at, Pune.

6. It is well recognized that in the matter of transfer of matrimonial proceeding, ordinarily, it is the convenience of the wife which commands preference. A useful reference, in this context, can be made to the decision of the Supreme Court in the case of **N.C.V. Aishwarya Vs A.S. Saravana Karthik Sha**<sup>1</sup> wherein the principles which govern the exercise of power under Section 24 of the Code, especially in the matters arising out of matrimonial proceedings, were expounded by the Supreme Court in the

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following terms :

“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.

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”

7. The aforesaid enunciation of law governs the facts of the case at hand.

I am, therefore, inclined to allow the application.

8. Hence, the following order :

#### ORDER

(i) Application stands allowed.

(ii) Marriage Petition No.85 of 2024 stands transferred from the Court of Civil Judge, Sr. Division, Pune to the Family Court at Dhule. for hearing and disposal in accordance with law.

(iii) The learned Civil Judge, Sr. Dvn., Pune shall transfer the record and proceedings in Marriage Petition No.85 of 2024 with such dispatch that it reaches the Family Court at Dhule within a period of four weeks from the date of communication of this order.

(iv) The Respondent is at liberty to appear before the Family Court at Dhule through Video conferencing. However, whenever the learned Judge, Family Court, Dhule considers it appropriate and directs the Respondent to appear in person, the Respondent shall appear before the Family Court at Dhule.

(v) The Courts at Dhule, where three proceedings between the parties would be subjudice, are requested to keep all the proceedings on one day, as far as possible.

Application disposed.

**( N.J.JAMADAR, J. )**