



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

MISC. CIVIL APPLICATION NO. 279/2024

MRS. SIMRAN AMAN VADGAONKAR ..APPLICANT
VS
MR. AMAN ALLUDDIN VADGAONKAR ..RESPONDENT

Adv. Padmanabh D. Pise a/w. Adv. Sejal Hariyan, Adv. Abdulatif Patel
i/b. P. Padmanabh & Associates for applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 13 OCTOBER 2025.

P.C. :

- 1.** Mr. Pise, learned counsel for the applicant seeks leave to amend the prayer clause (b) of the Misc. Civil Application.
- 2.** Liberty as prayed for is granted.
- 3.** Amendment to be carried out forthwith.
- 4.** This application has been filed by the applicant, wife of the respondent seeking transfer of divorce proceedings from the Family Court at Sangli to the Civil Judge Senior Division, Panvel.
- 5.** It is the case of the applicant that the respondent is residing and working at Pune, however, with ulterior motive he has filed divorce proceedings at Sangli. The present applicant has filed one

domestic violence proceeding before the Judicial Magistrate First Class, Panvel and a complaint under Section 498-A of the Indian Penal Code before the police station at Pune as at the relevant time, the offence was committed at Pune where the applicant and respondent were residing. After there was marital discord, the applicant started staying with her mother at Panvel. The household expenses of the applicant and her mother are managed through minor stitching work. In fact, all the said stitching work is minimal and only helps them to make ends meet. Therefore, the proceedings should be transferred from Sangli to Panvel which is 450 kms.

6. On behalf of the respondent – husband it is submitted that the proceeding can be transferred from Sangli to Panvel which would be mid-place for both the parties as the applicant is staying at Panvel. If the proceedings are clubbed together there will be conflict judgments. Therefore, the present application should be rejected.

7. Considering the law as laid down by the Supreme Court in the case of *N.C.V. Aishwarya Versus A.S. Saravana Karthik Sha*, reported in *2022 SCC OnLine SC 1199*, wherein the Supreme Court concludes that it is the convenience of the wife which has to be taken into consideration while dealing with the transfer proceeding. Paragraph

9 of the said decision 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)

8. In the case of *Jyoti Abhijeet Kandage vs. Abhijeet Narayan Kandage (Misc. Civil Application No.239 of 2024)*, I have considered all the provisions as far as transfer proceedings are concerned. In paragraph No.15 and 15.2, it has been held as under :-

“15) *Considering the Sections of D.V. Act, and the Judgments discussed in the above paragraphs, it becomes evident that Family Court has power to decide complaint which seeks relief under Sections 18 to 22 of the D.V. Act. Hence in my opinion, transfer of proceedings from Magistrate's Court to Family Court pertaining to relief claimed under Section 18 to 22 of the D.V. Act can be allowed. However, if a transfer proceedings is not a bonafide one, then on merits such a transfer on case to case basis can be rejected. One has to also keep in mind the stage of the proceedings of which transfer is sought.*

15.2) *So also, one has to also keep in mind who is coming to the court for the transfer of the proceedings, whether it is the Wife or the Husband or any other party. Since a choice is given to the aggrieved person under the D.V. Act to choose the forum for reliefs sought under Section 18 to 22, (i.e.) before the Magistrate under Section 12 or to the civil court, family court or criminal court under Section 26, such transfer if sought by a Wife, considering the judgment of the Supreme Court in the case of N.C.V. Aishwarya (supra) will have to be considered favourably.”*

9. In the present proceeding, the transfer of the divorce

proceeding filed at Sangli to Panvel. Admittedly, the husband is working in Bharat Forge (KSSL) in Pune. The distance between Sangli and Panvel is 450 kms and the applicant is staying with her widowed mother. There is no male member in the applicant's family to accompany her and it is difficult for her to travel 450 kms. one way and return back on the same day. It is impractical to travel 900 kms in a single day after attending the Court proceedings which would cause serious inconvenience and hardships to her. Therefore, she would have to stay overnight at Sangli. Hence, **the present Misc. Civil Application stands allowed in terms of prayer clause (b).**

10. The Family Court at Sangli to transfer Petition No.B/6/2023 to Civil Judge Senior Division, Panvel, within a period of four weeks from today.

11. The Misc. Civil Application stands disposed of.

(Rajesh S. Patil, J.)