



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.320 OF 2024**

Rucha Yogesh Bhuse	...	Applicant
versus		
Yogesh Suresh Bhuse	...	Respondent

Ms. Almeida V. Marshal, for Applicant.

CORAM: N.J.JAMADAR, J.

DATE : 7 MARCH 2025

P.C.

1. Heard the learned Counsel for the Applicant.
2. Office report indicates that the Respondent has been duly served.
3. None appears for the Respondent.
4. This is an application for transfer of Petition No.827 of 2023 from the Family Court at Nashik to the Family Court at Bandra.
5. The marriage of the applicant was solemnized with the Respondent on 28 March 2022. In the wake of the marital discord, the Respondent has filed a Petition for dissolution of marriage being Petition No.827 of 2023 before the Family Court at Nashik. The applicant has also filed proceedings under the Protection of Women from Domestic Violence Act, 2012.
6. The applicant is residing with her parents at Andheri, Mumbai. The applicant is dependent on her parents. The applicant suffers from serious ailments and it is not possible for the applicant to effectively defend the

proceedings at Nashik.

7. The averments in the application have gone untraversed. It appears that the applicant has suffered serious injuries. The applicant would find it extremely inconvenient to travel to Nashik to effectively defend the proceedings. It is well recognized that in the matter of transfer of matrimonial proceedings, 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**¹ 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 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

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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."

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

I am, therefore, inclined to allow the application.

9. Hence, the following order :

ORDER

(i) Application stands allowed.

(ii) Petition No.827 of 2023 stands transferred from the Family Court, Nashik to the Family Court at Bandra, for hearing and disposal in accordance with law.

(iii) The learned Judge, Family Court, Nashik shall transfer the record and proceedings in Petition No.827 of 2023 with such dispatch that it reaches the Family Court at Bandra, within a period of four weeks from the date of communication of this order.

Application disposed.

(N.J.JAMADAR, J.)