

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 321 OF 2024****REVATI @ PRIYANKA W/O TUSHAR TANDEL APPLICANT****VERSUS****TUSHAR DINANATH TANDEL RESPONDENT**

Adv. P. V. Nelson Rajan i/b. Adv. Faizan Khan for the Applicant.

CORAM : RAJESH S. PATIL, J.**DATE : 19 NOVEMBER, 2025****P.C. :-**

1) Learned advocate appearing for the applicant seeks liberty to amend prayer clause (a) of the petition by inserting the number of the case and name of the court where the proceedings are filed and the designation of the court where the proceeding has to be transferred.

1.1) Liberty as prayed, is granted.

1.2) Amendment to be carried out forthwith.

2) The applicant has filed affidavit of service dated 15 October, 2025. The said affidavit of service shows that the respondent has served on 10 October, 2025 via speed post. So also, the advocate appearing for the respondent in the DV proceeding was served with

copy of the Miscellaneous Civil Application on 11 October, 2025. Though the respondent has been served, he has not entered into Vakalatnama of any advocate for himself. None appears for the respondent when the matter is called out. It seems that the respondent is not interested in appearing in the present proceedings.

2.1) Office remark shows that the respondent has been duly served.

3) The present proceeding has been filed by the applicant, who is the wife of the respondent seeking transfer of the divorce petition filed by the husband before the Civil Judge Senior Division, Palghar to the Court of Civil Judge Senior Division, Thane.

4) The applicant is a home-maker and is staying with her parents and her son of 13 years old at Thane. The son of the applicant is studying in a school at Thane. The applicant has also filed DV proceeding against the respondent before the Judicial Magistrate First Class, Thane. The distance between Thane and Palghar is around 85 kms.

5) It is submitted before me by the learned advocate appearing for the applicant that if the applicant has to attend the Court proceedings at Palghar, she has to first travel from Thane to Dadar, i.e. a backward journey towards South of Mumbai Metropolitan

Region (MMR) and thereafter she has to take train from Dadar Railway Station to Palghar Railway Station towards North of MMR. Therefore, the time consumed for travelling would be around three hours and back journey to Thane would be again of three hours. The local train in Mumbai runs upto Virar and very limited trains run from Virar to Palghar. Therefore, it is totally inconvenient for the applicant who is a mother of 13 years old son to travel to Palghar from Thane to attend the court proceeding.

6) 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)

7) Considering the law laid down by the Supreme Court in case of *N.C.V Aishwarya* (supra) and the facts of the present case, I am convinced that the present Miscellaneous Civil Application requires to be allowed.

8) The present **Miscellaneous Civil Application is allowed in terms of amended prayer clause (a).**

9) The proceeding of divorce petition bearing Marriage Petition No. 01 of 2024 pending before the Civil Judge Senior Division, Palghar be transferred within a period of four weeks from today to the Civil Judge Senior Division, Thane.

[RAJESH S. PATIL, J.]