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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 436/2024

BHARATI MAYURESH NIMASE

..APPLICANT

VS

MAYURESH RAMDAS NIMASE

..RESPONDENT

Mr.Vikas Moorya h/f. Mr. M.N.Sandhyanshiv for the Applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 13 OCTOBER, 2025

P.C. :-

1) The Office Note shows that the Respondent has been duly served. So also, the Advocate for the Applicant has filed affidavit of service dated 12 August, 2025, which states that by a notice sent through registered post, the Respondent has been served.

2) This Miscellaneous Civil Application has been filed under Section 24 of the Code of Civil Procedure, 1908 by the wife seeking to transfer Marriage Petition No. 127 of 2024 filed by the Respondent/husband before the Civil Judge Senior Division, Khed, Pune to Civil Judge Senior Division, Malegaon, Nashik.

3) It is the case of the Applicant/wife that it is inconvenient for her to travel from Malegaon to Khed, Pune. She is staying with her parents who are now of advance age. Hence, it is difficult for her

to travel alone to Khed, Pune, which is a journey of around 5 to 6 hours, covering around 250 kms. She is a housewife and Respondent husband is working.

4) After hearing the Advocate appearing in the Applicant, I am convinced that though served, Respondent husband has not chosen to file an appearance of any advocate to defend himself.

5) The Hon'ble 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 for 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)

6) Considering the law laid down by the Hon'ble Supreme

Court in case of *N.C.V. Aishwarya* (supra) and considering the facts of the present case, I am convinced that the present Miscellaneous Civil Application requires to be allowed.

7) **Miscellaneous Civil Application stands allowed in terms of prayer clause (b).** The said prayer clause (b) reads as under :-

(b) That this Hon'ble Court be pleased to transfer the hearing of Marriage Petition No. 127 of 2024 filed by the Respondent herein, pending on the file of the Ld. Civil Judge Senior Division at Tal. Khed, Pune to the file of Ld. Civil Judge Senior Division at Malegaon, Dist: Nashik having similar jurisdiction to try and entertain the same.

8) The proceedings of Marriage Petition No. 127 of 2024 filed by the respondent before the Civil Judge Senior Division, Khed, Pune be transferred to the Civil Judge, Senior Division, Malegaon, District Nashik within a period of four weeks from today.

[RAJESH S. PATIL, J.]