

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 456 OF 2024

Prajakta Gaurav Dhavale

..... Applicant

VERSUS

Gaurav Mohan Dhavale

..... Respondent

Mr. Moorthy Acharya i/b. Mr. Yogesh Palve for the Applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 19 SEPTEMBER, 2025

P.C. :-

1) This is a transfer application filed by the wife seeking transfer of the divorce petition filed by the husband at Family Court, Thane to Vaduj Family Court, Satara.

2) It is the case of the applicant wife that she has filed two proceedings at Vaduj, Satara, one being the complaint under 498-A of the Indian Penal Code and another being D.V. proceedings. It is her case that she has no source of income and is totally dependent on the mercy of her parents. The distance between Satara to Thane is around 300 km and the applicant would have to travel alone to and fro to the court proceedings. There is no male member in the family who could accompany her to attend the court proceedings at Family

Court at Thane whereas the respondent can easily attend the court proceedings at Family Court at Vaduj, Satara.

3) None appears for the respondent though office remark shows that the respondent has refused to accept the service.

4) Therefore, as the respondent has refused service of the court summons, it can be considered that the respondent is purposely not attending this Court. Therefore, I have to proceed further with the hearing.

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

7) The present **Miscellaneous Civil Application is allowed in terms of prayer clause (b)** which reads as under :-

(b) That this Hon'ble Court be pleased to transfer the papers and proceeding of Divorce Petition bearing Divorce Petition No. A 555/2023 filed and pending before Thane family court to the Vaduj Family Court Satara.

8) The Family Court at Thane to transfer the papers and proceedings of Divorce Petition No. A 555 of 2023, within one month to the Vaduj Family Court at Satara.

[RAJESH S. PATIL, J.]