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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 495 OF 2024**

Sarika Arun Sutar ... Applicant

v/s.

Arun Mahadev Sutar ... Respondent

Mr. Om Prakash Singh for the Applicant.

Mr. Rajat Dighe for the Respondent.

**CORAM : Kamal Khata, J.
DATED : 16th July 2025.**

P.C.:-

1. This Miscellaneous Civil Application is filed by the Applicant-wife under Section 24 of the Civil Procedure Code 1908, for transfer of Marriage Petition No.A/1425 of 2024 filed by the Respondent-husband under Section 13(1)(ia) of the Hindu Marriage Act, 1955 for divorce from Family Court at Bandra, Mumbai to the Civil Judge, Senior Division at Pune.

2. The Applicant contends that the marriage took place on 16th June 2019 at Nigdi, Pune. There is no issue out of the

said wedlock. Due to marital disputes and differences that arose between the parties around September 2023, the Applicant is residing with her parents at Pune.

3. Learned Advocate for the Applicant submits that Applicant is suffering from low backache and therefore she is not able to travel from Pune to Mumbai to attend hearings.

4. The Respondent's Advocate is aware of the law and raises no serious objection to the Application.

5. Upon hearing the learned Advocate for the Applicant, having perused the material on record and in view of the Supreme Court ruling in the case of *N.C. V. Aishwarya v/s. A.S. Saravana Karthik Sha*¹ which holds that the convenience of the wife would be preferred over the convenience of the husband, I find no impediment in allowing the Application.

6. Accordingly, I pass the following order:-

- (i) Application is allowed in terms of prayer clause (a).
- (ii) The Civil Judge, Senior Division at Pune, may permit the Respondent to appear via Video Conferencing if permission is sought and his physical presence is not

¹ 2022 SCC OnLine 1199

absolutely necessary. Any such application made shall be considered by the Court on its own merits.

(iii) The transfer may be effected within a period of four weeks and upon receipt of the papers and proceedings the Civil Judge, Senior Division at Pune, shall give notice to the parties, preferably within three weeks to proceed with their respective matters.

(iv) Application is accordingly disposed of.

(v) Parties to act on an authenticated copy of this order.

(Kamal Khata, J.)