

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 505 OF 2024

Prerana Swapnil Shete

..... Applicant

VERSUS

Swapnil Dilip Shete

..... Respondent

Mr. Sagar S. Bhirange for the Applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 9 OCTOBER, 2025

P.C. :-

1) None appears for the respondent when the matter is called out.

2) Learned Advocate for the applicant submits that in all, five affidavits of service have been filed in the present proceedings. He submits that on 31 January, 2025. The packet containing copy of the MCA has returned with a remark 'Insufficient Address'. Again, on 1 February, 2025, the packet containing a copy of the MCA was returned back with the remark 'refused'.

3) On 6 May, 2025, the packet addressed to the respondent was duly delivered with a remark 'Item delivered Sender'. Again, by a covering letter dated 22 September, 2025, the service was effected on

the learned Advocate appearing for the respondent before the trial Court. I am convinced that the respondent has been duly served and with ulterior motives, is not appearing in the present proceedings.

4) This present proceeding is filed by the applicant, wife of the respondent-husband, seeking transfer of the marriage petition for divorce filed by the respondent-husband before the Civil Judge, Senior Division, Sangamner, Ahmednagar to the Civil Judge, Senior Division, Pune.

5) It is the case of the applicant that she is residing at Pune alongwith her minor daughter aged about 6 years. The daughter is admitted in a school in Pune. It is further submitted that the husband has filed the proceedings before the Civil Judge, Senior Division, Sangamner, Ahmednagar. The distance between Sangamner and Pune is around 200 kms. Infact, the husband is in business and his business office is in Pune City. It will be difficult for the applicant to travel alone to Sangamner as her daughter is of 6 years of age. However, for the husband to attend the proceedings in Pune is convenient because in any case, he has office of his business in Pune.

6) 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)

7) Considering the law laid down by the Hon'ble 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 prayer clause (b)**. The said prayer clause (b) reads as under :-

(b) The Hon'ble Court be please to transfer proceeding Marriage Petition No. 230 of 2024 pending before Ld. Civil

Judge, Senior Division, Sangamner, Ahmednagar to Hon'ble Civil
Judge, Senior Division, Pune.

9) The proceedings of Marriage Petition No. 230/2024
pending before the Civil Judge, Senior Division, Ahmednagar be
transferred to the Civil Judge, Senior Division, Pune within a period of
four weeks from today.

[RAJESH S. PATIL, J.]