

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 513 OF 2024

Sonali Rohit Khade	...	Applicant
V/s.		
Rohit Baban Khade	...	Respondent

Mr. Vivek Rane, for the applicant.

Mr. Nagesh Chavan, for the respondent.

CORAM : N.J. JAMADAR, J.

DATE : 25TH APRIL 2025.

VARSHA
DEEPAK
GAIKWAD
Digitally signed by
VARSHA DEEPAK
GAIKWAD
Date: 2025.04.30
18:39:12 +0530

PC:

1. Heard the learned counsel for the parties.
2. Mr. Chavan, learned counsel for the respondent seeks leave to tender an affidavit-in reply. Leave granted.
3. This application is filed seeking transfer of Marriage Petition No. A-150 of 2024 from the Family Court at Sangli to the Family Court at Pune, and Criminal Miscellaneous Application No. 2668 of 2022 from the Court of learned Magistrate, Pune to the Family Court at Pune.
4. The marriage of the applicant was solemnized with the respondent on 24th June 2005. They are blessed with a daughter. In the wake of marital discord, the applicant started to reside separately from the respondent. The applicant has filed proceeding under the

Protection of Women from Domestic Violence Act, 2005, being Criminal Miscellaneous Application No. 2668 of 2022 before the Court of learned Magistrate at Pune. The respondent, on his part, has filed a petition for dissolution of marriage being A -150 of 2024, before the Family Court at Sangli. The applicant claims that having regard to the distance and her situation in life, it would be extremely inconvenient for her to travel to Sangli to defend the said proceeding. Hence this application.

5. Learned counsel for the respondent opposed the prayer for transfer of the proceedings to the Family Court at Pune.

6. Evidently, the applicant resides at Sangli along with her daughter. The applicant is employed at Pune. The applicant finds it inconvenient to travel to Sangli to effectively defend the proceedings before the Family Court at Sangli. It is well recognised that in the matter of transfer of matrimonial proceedings, ordinarily, it is the convenience of the wife which commands preference.

7. A useful reference, in this context, can be made to the decision of the Supreme Court in the case of '*NCV Aishwarya Vs A.S. Sarvana Karthik Sha*¹', wherein the principles which govern the exercise of power under Section 24 of the Code, especially in the matters arising out of matrimonial proceedings, were expounded by the Supreme Court in the following terms:

“9. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure

¹ (2022)

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.

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”

8. The aforesaid pronouncement governs the facts of the case at hand. Since the applicant has filed a proceeding under the Protection of Women from Domestic Violence Act, 2005 and is seeking the transfer of said proceeding as well, it would be expedient in the interest of justice that both the proceedings are transferred to Family Court at Pune. The element of inconvenience to the respondent can be mitigated by granting liberty to the Respondent to appear before the

Family Court at Pune, through Video Conferencing.

9. Hence, the following order.

ORDER

- i) The application stands allowed.
- ii) Marriage Petition No. A-150 of 2024 stands transferred from the Family Court, Sangli to Family Court, Pune, and Criminal Miscellaneous Application No. 2668 of 2022 stands transferred from the Court of Magistrate, Pune to the Family Court, Pune for hearing and disposal in accordance with law.
- iii) The learned Judge, Family Court, Sangli shall transfer the record and proceedings in Petition No. 150 of 2024 with such dispatch that it reaches the Family Court at Pune, within a period of four weeks from the date of communication of this order.
- iv) The learned Magistrate, Pune shall transfer the record and proceedings in Criminal Miscellaneous Application No. 2668 of 2022 to the Family Court, Pune with such dispatch that it reaches the Family Court at Pune, within a period of four weeks from the date of communication of this order.
- v) The respondent is at liberty to appear before the

Family Court at Pune, through Video Conferencing. However, whenever the learned Judge, Family Court, Pune, considers it appropriate and directs the respondent to appear in person, the respondent shall appear before the Family Court at Pune.

vi) No costs.

(N.J. JAMADAR, J)