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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 515/2024

MRS ARATI PRAVIN WAGHMARE

..APPLICANT

VS

PRAVIN SUBHASH WAGHMARE

..RESPONDENT

Mr.C. J. Doveson Jose a/w. Ms.Shweta Bansode for the Applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 13 OCTOBER, 2025

P.C. :-

1) Office remark shows that the respondent has been duly served. None appears for the respondent when the matter is called out.

2) The advocate for the applicant has also filed affidavit of service to prove that the respondent has been served.

3) The present proceeding has been filed by the applicant, wife of the respondent, seeking transfer of the divorce proceeding filed by the husband before the Civil Judge, Senior Division, Kalyan to the Civil Judge, Senior Division, Mhaswad, Taluka Man, District Satara.

4) It is submitted by the learned advocate for the applicant that the distance between the Ambernath where the respondent is staying and Mhaswad, District Satara is around 337 kms. The

applicant is working as a data entry operator in a school. The said job is a temporary job. It is difficult for the applicant to travel alone and she does not have anyone to accompany her to travel 337 kms and attend court proceedings and to return back travelling 337 kms.

5) The respondent family is a well-to-do family and it will not be any inconvenience for the respondent if the proceedings are transferred from Kalyan to Mhaswad.

6) The evidence in the present divorce proceeding is not started as the applicant has to file her written statement in the proceedings.

7) 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)

8) 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 where the travelling is around 337 kms for one way, it will be difficult for the applicant who has to travel alone such a long distance and to return back after attending the court proceedings, hence, I am convinced that the present Miscellaneous Civil Application requires to be allowed.

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

(b) This Hon'ble Court be pleased to transfer the Marriage Petition bearing 445 of 2024 pending before the court of CJSD, Kalyan, to the CISD, Mhaswad on such terms and conditions as may be deemed fit and proper in the interest of justice.

10) The proceedings of Marriage Petition No. 445 of 2024 pending before the Civil Judge Senior Division, Kalyan be transferred to the Civil Judge, Senior Division, Mhaswad within a period of four weeks from today.

[RAJESH S. PATIL, J.]