

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 521 OF 2024

Garima Siddharth Shah

..... Applicant

VERSUS

Siddharth Sudhir Shah

..... Respondent

Mr. Deepika Mule i/b. Mr. Manoj Kondekar for the Applicant.

Mr. Amey Deshpande a/w. Ms. Gauri Kulkarni for the Respondent.

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 proceedings filed by the husband from Pune Family Court to the Family Court at Bandra, Mumbai. Subsequently, by an Order dated 28 March, 2025, the applicant wife added one more prayer to the present Miscellaneous Civil Application whereby she sought transfer of the D.V. proceedings filed by her at 24th Additional CMM Court, Borivali to the Family Court at Bandra, Mumbai.

2) It is a matter of record that there is no issue out of the marriage of the applicant and the respondent. The applicant is staying in the Western Suburb of Mumbai City, Malad, Mumbai and the

respondent husband is staying at Pune. The respondent is working in Pune.

3) 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)

4) 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 wherein the wife volunteers bonafidely that she is even ready to transfer her proceedings to the Family Court at Bandra, I am of the

view that the present Miscellaneous Civil Application requires to be allowed.

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

(a) This Hon'ble Court be pleased to transfer the case P. A. No. 250 of 2023 filed by the Respondent before Family Court, Pune to the Bandra Family Court, Mumbai; And also transfer the case filed by the Applicant bearing No. DV/2400016/2024 under DV Act pending before 24th Addl. CMM Court, Borivali to Family Court, Bandra.

6) The Family Court at Pune is directed to transfer the papers and proceedings of P. A. No. 250 of 2023 to the Family Court at Bandra, Mumbai within a period of four weeks from today.

7) The 24th Additional CMM (JMFC), Borivali to transfer the paper and proceedings of case bearing No. DV/2400016/2024 to the Family Court, Bandra, Mumbai.

8) The transfer proceedings of divorce being P. A. No. 250 of 2023 and transfer the D.V. Proceedings of DV/2400016/2024 to be clubbed together and be heard by the same Judge.

9) All parties to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]