

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.552 OF 2024

Neha Nikhil Shukla nee Neha
Ramnarayan Tiwari ... Applicant

V/s.

Nikhil Brijendrakumar Shukla ... Respondent

Ms. Sapana Rachure, Advocate for the Applicant.
Mr. Yogesh Gandhi a/w Payal Shah, for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATED : 19th September 2025

P.C.:

1. This is a Transfer Application filed by the Wife seeking transfer of the Divorce Petition filed by the Husband before the Civil Judge, Senior Division, Palghar to the Family Court at Thane.
2. It is the case of the Applicant-Wife that she is staying at Thane along with her parents. She is a Physiotherapist and practicing at Thane.
3. The Respondent-Husband is working as a Senior Executive with the Pharma Company at BKC, Mumbai. He claims to be residing at Palghar. The distance between Thane and Palghar Court is around 80 k.m. It is further submitted that there is no direct connectivity by train from Thane to Palghar and one has to take

the help of a Shuttle Train to travel. The overall time taken for commuting is around 3 hours one way.

4. On behalf of the Respondent-Husband it is submitted by Mr. Gandhi that the conduct of the Applicant-Wife needs to be taken into consideration. The Wife had filed divorce proceedings before the Family Court at Thane and has withdrawn the same proceeding. The Respondent-Husband is ready to bear the traveling expenses of the Applicant-Wife when she travels to the Family Court at Thane. The divorce proceeding filed by the Husband has moved forward as the Applicant has chosen not to cooperate with the hearing.

5. Supreme Court in the Judgment of *N.C. V. Aishwarya Vs. A. S. Saravana Karthik Sha* reported in *2022 SCC OnLine SC 1199* has held that in transfer proceedings the convenience of the Wife has to be taken into consideration. Para 9 of the said Judgement which read 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)

6. The Applicant-Wife is a Physiotherapist living with her

parents at Thane. Commuting from Thane to Palghar is a task which takes around 3 hours as submitted by the counsel appearing for the Applicant-Wife. The locality Palghar is beyond the Virar Station therefore the frequency of the trains comparatively is much less. So also the Applicant is staying in what, is called as the central railway line being extended part of the City.

7. As far as the Petition filed by the Husband is concerned, it has been informed to me that the Issues have not been framed as on date. Therefore according to me the said Divorce Petition can be transferred to Thane Family Court. As far as the Petition filed by the Wife which was withdrawn would have not much bearing on the present transfer proceedings, since even the Petition filed by the Wife for divorce was before the Family Court at Thane.

8. Therefore according to me the case is made out to allow the present Application.

9. The Miscellaneous Civil Application stands allowed in terms of prayer clause (a).

10. The Civil Judge, Senior Division, Palghar is hereby directed to transfer the papers and proceedings of Marriage Petition No.199 of 2023 to Family Court at Thane.

11. All concerned to act on an authenticated copy of this order.

(RAJESH S. PATIL, J.)