

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.553 OF 2024

Juhi Rohan Shirsath

... Applicant

V/s.

Rohan Shailendra Shirsath

... Respondent

Mr. Aditya Pawar, Advocate for the Applicant.

Mr. Akhil Kupade, Advocate for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATED : 12th September 2025

P.C.:

1. This petition has been filed by the wife seeking transfer of divorce petition filed by Respondent / Husband in Family Court at Nashik, to Family Court at Mumbai, where the Applicant / wife is residing.
2. It is the case of the Applicant / wife that she is staying in Central Mumbai at Lalbaug and the husband has filed divorce proceedings at Nashik which is around 180 k.m away and for commuting from Lalbaug Mumbai to Nashik takes around four and half hours. The only defence raised by the Respondent / Husband is that he is ready to bear the travel expenses of the wife, in order to enable her to attend proceedings in Family Court at Nashik.
3. Having heard counsel for both the sides and taking into consideration the law as laid down by the Supreme Court in the

Judgment of *N.C.W. Aishwarya Vs. A. S. Saravana Karthik Sha* reported in *2022 SCC OnLine SC 1199* which states that wife's convenience must be looked into while considering the transfer application. Para Nos. 9 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 position in law and the facts of the present case where alone lady has to travel a distance of around four and half hours and to come back again four and half hours, in my view the proceedings should be transferred to Mumbai.

5. This Miscellaneous Civil Application is allowed in terms of prayer **clause (a)**.

(RAJESH S. PATIL, J.)