



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.566 OF 2024

Sonal Chandrakant Thorat @ Sonal
Nilesh Sawant

... Applicant

versus

Nilesh Ashok Sawant

... Respondent

Mr. S.N.Reddy, for Applicant.

CORAM: N.J.JAMADAR, J.

DATE : 4 APRIL 2025

P.C.

1. Heard the learned Counsel for the Applicant.
2. Learned Counsel for the Applicant submits that the Respondent has been served. Learned Counsel seeks leave to tender an affidavit of service.
3. Leave granted.
4. Affidavit of service is taken on record.
5. It appears that the Respondent has not claimed the article sent by registered post and it was returned with the remark 'unclaimed'.
6. This is an application for transfer of Marriage Petition No.658 of 2024 filed by the Respondent for dissolution of marriage under Section 13(1)(ia) of the Hindu Marriage Act, 1955, pending on the file of Family Court at Pune to the Court of Civil Judge, Sr. Division, Panvel, Raigad.

7. The marriage of the applicant was solemnized with the Respondent on 30 May 2015. They are blessed with a son. In the wake of the marital discord, the applicant was constrained to take shelter at her parental home at Panvel. The applicant has no logistical and financial support to effectively defend the proceeding at Pune.

8. The averments in the application have gone uncontroverted. It appears that the applicant is residing at Panvel. She was constrained to take shelter at her parental home at Panvel. The applicant has to look after her son, who is six and half year of age. If the Marriage Petition is tried at Pune, the applicant would suffer extreme hardship and inconvenience.

9. It is well recognized that in the matter of transfer of matrimonial proceedings, ordinarily, it is the convenience of the wife which commands preference. A useful reference, in this context, can be made to the decision of the Supreme Court in the case of N.C.V. Aishwarya Vs A.S. Saravana Karthik Sha¹ 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 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

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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."

10. The aforesaid pronouncement governs the facts of the case at hand. I am, therefore, inclined to allow the application. Hence, the following order :

ORDER

- (i) Application stands allowed.
- (ii) Marriage Petition No.A-658 of 2024 stands transferred from the Family Court, Pune to the Court of Civil Judge, Sr. Division at Panvel, Raigad for hearing and disposal in accordance with law.
- (iii) The learned Judge, Family Court, Pune shall transfer the record and proceedings in Marriage Petition No.A-658 of 2024 with such dispatch

that it reaches the Court of Civil Judge, Sr.Division at Panvel within a period of four weeks from the date of communication of this order.

(iv) No costs.

(N.J.JAMADAR, J.)