



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 570 OF 2024

**Aishwarya Vishal Pawar
@ Aishwarya Raju Pawar**

..... Applicant

VERSUS

The State of Maharashtra

..... Respondent

Mr. Mateen Shaikh for the Applicant.

Mr. Salman Yusuf Shaikh for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 22 SEPTEMBER, 2025

P.C. :-

1) This transfer petition has been filed by the applicant-wife of the respondent no.2, seeking transfer of the divorce petition filed by the husband before the Civil Judge, Senior Division, Thane to the Civil Judge, Senior Division at Mangaon.

2) I have heard learned advocates for both the sides and I have gone through the contents of the documents which are produced on record.

3) It is the case of the applicant-wife that she is staying with her aged parents at Mangaon, Raigad. Her father is a headmaster in a school and the mother is a home-maker. She is not working as of

date. The respondent no.2 – husband is an IT Engineer and is working from home.

4) It is the case of the respondent no.2 – husband that both his parents are not keeping good health and hence it will not be possible to him to travel from Thane to Mangaon for court hearing, in case this court transfer the court proceedings.

5) The distance between Thane and Mangaon is around 130 km. The applicant-wife is staying with her parents and her father is a headmaster in a school. Admittedly, the respondent no.2 husband is working from home. Therefore, as far as convenience is concerned, it will be more inconvenient for the applicant-wife to travel 130 km one way and back 130 km in a day to attend the Court hearing at Thane.

6) 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 should be taken into consideration while deciding transfer application. 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)

7) Considering the law laid down by the Hon'ble Supreme Court and the facts of the present proceedings, I am convinced that this Miscellaneous Civil Application filed by the applicant requires to be allowed.

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

(a) That this Honourable Court may pleased to transfer the marriage Petition No.247/2024 pending before the Civil Judge (S.D) Court at Thane District Thane to Civil Judge (S.D) Court at Mangaon in the interest of justice.

9) The Civil Judge, Senior Division at Thane is directed to transfer the proceedings of Marriage Petition No. 247 of 2024 to the Civil Judge, Senior Division at Mangaon, Raigad.

[RAJESH S. PATIL, J.]