

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

MISCELLANEOUS CIVIL APPLICATION NO.18 OF 2025

Mrs. Shaira Saeed Shaikh	]	
@ Shaira Shahid Khan,	]	
Aged about 30 Yrs., Occ.-Service	]	
Residing at-Rubina Shahid Khan/	]	
Shankar Ayyar B-602, New Om Tower,	]	
Nityanand Nagar, Near St. Paul School,	]	
Mira Road, Mumbai	]	...Applicant.

Versus

Mr. Saeed Mehboob Shaikh	]	
aged about 26 yrs., Occ.-Service,	]	
Residing at: Flat No 602, Hazara Corner,	]	
Room No.48/2/, Near Kuba Masjid,	]	
Mitha Nagar, Kondhva, Khurd, Pune-48	]	...Respondent.

Mr. Hitesh Vyas a/w. Adv. Rasik Raut i/by Adv. Chandrashekhar V. Yadav for the Applicant.

**CORAM : KAMAL KHATA, J.
RESERVED ON : 22nd August, 2025.
PRONOUNCED ON : 3rd September 2025.**

JUDGMENT:

1) The present transfer Application is by filed by the Applicant-wife seeking transfer of proceeding instituted by the Respondent-husband before the Family Court Pune, to Family Court Thane.

2) Mr. Vyas, learned Advocate for the Applicant submits

that the Applicant is a working woman and has the additional responsibility of caring for the minor child, aged about two and a half year, born out of the wedlock with the Respondent. He relies upon the decisions in *Devika Dhiraj Patil vs. Dhiraj Sunil Patil*¹, *NCV Aishwarya vs. Sarvana Karthik Shah*², *Rajani Kishor Pardeshi vs. Kishor Babulal Pardeshi*³ and *Sumita Singh vs. Kumar Sanjay & Anr.*⁴ to contend that the convenience of the wife must be given precedence over that of the husband.

3) Despite service of notice, none appears on behalf of the Respondent even today.

4) The record indicates that on 21st July 2025, the Respondent was represented through Advocate, who sought time to obtain instructions and file a reply. Thereafter, though the matter was listed on 4th August 2025, it could not be taken up for want of time. No reply has been filed till date.

5) Having considered the submissions and the law laid down by the Hon'ble Supreme Court in *NCV Aishwarya (supra)*, I find merit in the Application. It is settled law that in such circumstances, the convenience of the wife has to be preferred over that of the husband.

6) Accordingly, the Application is allowed in terms of prayer

¹ 2023 SCC OnLine Bom 1926.

² 2022 SCC OnLine SC 1199.

³ 2005 12 SCC 237.

⁴ AIR 2002 SC 396.

clause (a) which reads as under:

“a) The Petition No. B/79/2024 filed for declaration under sec 34 (2) of the specific relief Act that the Marriage dated 05-06-2021 between the Applicant and respondent to be dissolved under the Talaq-E-Ahsan given by the Respondent by three Notices, pending before the Hon’ble Family Court No.2, Pune be directed to be transferred to the Hon’ble Family Court, Thane.”

(KAMAL KHATA, J.)