

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 26 OF 2025

Pooja Atmanand Sarode

..... Applicant

VERSUS

Atmanand Kisan Sarode

..... Respondent

Ms. Deepika Mule i/b. Mr. Manoj Kondekar for the Applicant.

Mr. Pratik Irpatgire for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 22 SEPTEMBER, 2025

P.C. :-

1) This transfer application is filed by the applicant wife of respondent, seeking transfer of the divorce petition filed by the respondent husband at Family Court at Belapur, District Thane to the Family Court at Latur.

2) I have heard learned advocates for both the sides.

3) This is a case where the applicant wife is a home-maker and is staying with her four year old son at her parents' house at Latur. She has filed the D.V. proceedings at Latur and also maintenance application before the Family Court at Latur.

4) The husband is staying with his parents at Belapur, Navi Mumbai. The distance between Latur and Belapur is around 450 km.

5) Considering that the wife is staying with her four year old son and the distance between Latur and Belapur Family Court is around 450 km and it will be difficult and inconvenient for her to travel for the court proceedings from Latur to Belapur and to return back to her parents home.

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 has to be seen for the transfer proceedings. 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) Hence, considering the law laid down by the Honb'ble

Supreme Court in case of *N.C.V. Aishwarya* (supra) and the facts of the present case, the present Miscellaneous Civil Application 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) This Hon'ble Court be pleased to transfer the case i.e. Petition No. A-649 of 2024 filed by the Respondent before Family Court, Belapur, Dist. Thane to the Family Court at Latur.

9) The Family Court at Belapur is directed to transfer the papers and proceedings of Petition No. A-649 of 2024, within a period of four weeks from today to the Family Court at Latur.

10) At this stage, both the learned advocates have made a request that the disputes between the parties can be sent to the mediation so that an attempt to reach to amicable settlement can be tried.

11) Hence, the disputes between the parties is referred to the Mediation Centre of the Bombay High Court to appoint a trained mediator to resolve the issue.

12) All concerned to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]