

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 74 OF 2025****PRITI CHETAN WAYDANDE****..... APPLICANT****VERSUS****CHETAN BHIMRAO WAYDANDE****..... RESPONDENT**

Adv. Shantanu Chavan i/b. Adv. Vibhav Gaikwad for the Applicant.

None for the Respondent.

CORAM : RAJESH S. PATIL, J.**DATE : 21 NOVEMBER, 2025****P.C. :-**

1) The present transfer proceeding has been filed by the applicant, who is the wife of the respondent, seeking transfer of the divorce petition filed by the respondent-husband before the Civil Judge Senior Division, Baramati to the Civil Judge Senior Division, Satara.

2) Office remark shows that the respondent has been duly served.

3) On 9 October, 2025 when this matter appeared before me, office remark showed that the respondent was duly served. However, no-one appeared on behalf of the respondent. In order to

give one more chance to the respondent to appear in the present proceeding, the matter was adjourned today.

4) Again today, no-one appeared on behalf of the respondent. It appears that the respondent does not want to appear in the proceedings and oppose the present Miscellaneous Civil Application. Hence, I have proceeded further with the hearing of the present Miscellaneous Civil Application.

5) Mr.Shantanu Chavan, learned advocate appearing on behalf of the applicant submits that the applicant is staying at Satara alongwith her parents and her four years old son. The husband has filed proceeding at Baramati. The distance between Baramati and Satara is around 100 kms and there is no male person who could accompany the applicant to attend the court proceedings at Baramati.

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 while hearing 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) Considering the law laid down by the Hon'ble Supreme Court in case of *N.C.V. Aishwarya* (supra) and the facts of the present case, where the applicant-wife is staying with her four years old son and the distance between Satara to Baramati is around 100 kms, according to me, it will be inconvenient for the applicant (wife) to travel 100 kms in a day from Satara to Baramati to attend the Court proceedings before the Civil Judge Senior Division, Baramati. Hence, the present Miscellaneous Civil Application requires to be allowed.

8) The **present Miscellaneous Civil Application stands allowed in terms of prayer clause (a).**

9) The proceedings of Marriage Petition No. 265 of 2023 pending before the Civil Judge Senior Division, Baramati be transferred within a period of four weeks to the Civil Judge Senior Division, Satara.

[RAJESH S. PATIL, J.]