

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 75 OF 2025

ANAND
SUDHAKAR
SUDAME

Soniya Hotani Nee Soniya Panjwani

..Applicant

Versus

Pawan Hotani

..Respondent

Digitally signed by Mr. Himanshu S. Nagarkar, Advocate, for the Applicant

ANAND
SUDHAKAR
SUDAME

CORAM : RAJESH S. PATIL, J.

Date: 2025.12.09
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DATE : 08.12.2025

P. C.

1. By an order dated 24.11.2025, both the parties were directed to remain present in Court.

2. Mr. Nagarkar, learned Counsel for the Applicant – wife submits that he has even served a copy of the MCA on the learned Counsel for the Respondent – husband before the Family Court, Pune. None appeared on behalf of the Respondent when the matter is called out. Even on the earlier occasion, none appeared for the Respondent in the present proceeding. It seems that the Respondent is not interested in pursuing the matter any further, hence, I am proceeding further with the hearing of the MCA.

3. The present MCA has been filed by the Applicant, who is the wife of the Respondent seeking transfer of divorce Petition filed in the

month of November, 2024 by the Respondent – husband before the Family Court, Pune.

4. Mr. Nagarkar, learned Counsel for the Applicant submits that the Applicant – wife is staying in Mumbai and is working in a Bank. She is staying in Mumbai along with her four years old son. The Respondent – husband is also working in a Bank at Pune and according to the Applicant, he is staying with a lady in illicit relationship. It will be inconvenient for the Applicant – wife to attend the Court proceeding at Pune as there is no one to look after her four years old son who is school going boy.

5. The Supreme Court in the case of ***N. C. V. Aishwarya vs. A. S. Sarvana Karthik Sha***, reported in ***2022 SCC OnLine SC 1199*** has held that considering transfer proceedings, convenience of the wife has to be taken into consideration. Paragraph 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 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)

6. Mr. Nagarkar, learned Counsel for the Applicant also submits that the Respondent – husband is not even taking care about the needs of his son, who is staying with the Applicant and is not paying any amount towards maintenance of the son.

7. Considering the law as laid down in the case of *N. C. V. Aishwarya* (Supra) and facts of the present case, I am convinced that this Miscellaneous Civil Application requires to be allowed.

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

8.1 The proceeding, being the Petition No. A – 2061 of 2024 pending before the Family Court, Pune be transferred to the Family Court, Bandra, Mumbai within a period of four weeks from today.

(RAJESH S. PATIL, J.)