

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.90 OF 2025

Rachana Tushar Jadav ... Applicant

V/s.

Tushar Dhanaji Jadhav ... Respondent

Mr. Chandrashekhar S. Patil, Advocate for the Applicant.
Mr. Rajesh More, Advocate for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATED : 20th September 2025

P.C.:

1. This Transfer Petition has been filed by the Applicant-Wife of Respondent seeking transfer of the divorce petition filed by the husband before the Family Court at Pune, to Family Court at Bandra, Mumbai.

2. It is the case of the Applicant-Wife that, she is staying in Mumbai with her parents. Her father has retired from service and mother is a homemaker. She does not have a brother but has a younger sister who is staying with the parents. She has filed D.V. complaint before the Additional CMM, 9th Court, Bandra, Mumbai and one 498-A complaint before Additional CMM, 9th Court at Bandra, Mumbai.

3. The Respondent-Husband has filed a divorce petition at

Pune. It is difficult for the Applicant-Wife to travel to Pune on each day of the hearing. She does not have any male member in the family to accompany her. The Respondent is working in a company which is owned by his sister's husband.

4. Supreme Court in the case of *N.C. V Aishwarya Vs. A. S. Saravana Karthik Sha* reported in *2022 SCC OnLine SC 1199* has held that convenience of the wife should be considered while deciding the transfer petition. Para 9 of the said Judgement which read 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)

5. Considering the law as laid down by the Supreme Court and the facts of the present case where there is no male member in the family of the Applicant-Wife, who could accompany her from Mumbai to Pune to attend Court proceedings, therefore, in my opinion, the present Miscellaneous Civil Application requires to be allowed.

6. The Miscellaneous Civil Application is allowed in terms of

prayer clause (a).

7. The Family Court at Pune should transfer the proceedings of Petition-A.No.1559 of 2024 to Family Court at Bandra, Mumbai, within a period of four weeks from today.

(RAJESH S. PATIL, J.)