

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 96 OF 2025

Komal Vishal Mohite

..... Applicant

VERSUS

Vishal Vishwas Mohite

..... Respondent

Mr. Abhijit Devkhile for the Applicant.

Mr. Chandrakant Yadav (Thr. V.C.) a/w. Mr. Vilas Jadhav for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 22 SEPTEMBER, 2025

P.C. :-

1) This is an application filed by the applicant-wife of respondent, seeking transfer of the divorce proceedings filed by the respondent-husband before the Civil Judge Senior Division, Karad, District Satara to the Family Court at Pune.

2) I have heard learned advocates for both the sides and I have gone through the documents on record.

3) It is the applicant's – wife's case that both the applicant and the respondent are doctors by profession. There is a son born out of the said wedlock of the applicant with respondent, who as of now is in the custody of the respondent. The applicant wife has filed a

custody application seeking a custody of the son. The said application has been argued and the matter is posted for orders. So also, the applicant wife has filed a proceedings under Section 498-A of the Indian Penal Code.

4) The applicant's case is that she has been forced to leave her matrimonial house and is forced to live with her parents in Pune. The respondent husband is staying at Karad alongwith his parents. It has also been argued before me that the interim maintenance application has been filed by the wife and the said interim maintenance application has been opposed by the respondent husband.

5) It is the case of the respondent husband that his mother is a teacher and his father is a retired teacher from the Government school. He submits that the respondent husband has to take care of his parents and also to take care of his son who has various activities and the respondent husband has to accompany the son in all such activities. It is submitted on behalf of the respondent husband that the husband has filed Section 7 petition in Guardians and Wards Act, 1890 before the Civil Judge Senior Division, Karad, Satara and the relatives of the respondent husband has filed the defamation suit

against the applicant wife.

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) Considering the law laid down by the Supreme Court in the above judgment and the fact that the distance between the Karad and Pune is around 160 km. The applicant wife has filed a custody petition which has already been argued and the said application has been opposed by the husband. The interim maintenance application is

pending for hearing before the Civil Judge, Senior Division, Pune. In such a situation, according to me, this interim application filed by the wife deserves 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 H.M.P No. 261 of 2024 pending before Hon'ble Civil Judge Senior Division Karad, Dis.Satara to Hon'ble Family Court, Pune.

9) The Civil Judge, Senior Division, Karad is hereby directed to transfer H.M.P No. 261 of 2024 within a period of four weeks from today to the Family Court at Pune.

[RAJESH S. PATIL, J.]