

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 107 OF 2025

ANAND
SUDHAKAR
SUDAME

Ankita Vinay Ivalekar Nee
Ankita Baban Salvi

..Applicant

Versus

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ANAND SUDHAKAR
SUDAME

Date: 2025.12.09
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Vinay Vishwanath Ivalekar

..Respondent

Ms. Shubhangi Telkar i/b. Mr. Piyush Chhabria, Advocates, for the
Applicant

CORAM : RAJESH S. PATIL, J.

DATE : 08.12.2025

P. C.

1. Office remarks show that the Respondent has been duly served. None appears for the Respondent when the matter is called out. Even on the earlier occasion though the Respondent was served, none appeared on behalf of the Respondent.

2. By the present transfer Application, the Applicant who is wife of the Respondent is seeking transfer of divorce Petition filed by the Respondent – husband before the learned CJSD, Vasai to the learned CJSD, Kalyan.

3. It is the case of the Applicant that she is staying at Kalyan in her parents house along with her father who is suffering from paralysis and her mother is suffering from old aged diseases. Her brother is working

and is taking care of her old aged parents and also needs of the Applicant who is his sister. The Respondent is working in a private school at Vasai and is not paying any maintenance to the Applicant. The distance between Vasai and Kalyan is around 40 Km and there is no direct local train from Kalyan to Vasai. One has to travel by local train from Kalyan to Dadar or else Thane, and change from central line to western line, to travel to Vasai. The Applicant is a homemaker and is not working for gain. It will be inconvenient for the Applicant to travel to Vasai to attend the Court proceeding as her brother is the only earning member in their family and has to take care of his father who is suffering from paralysis.

4. 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)

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

6. The Miscellaneous Civil Application stands **allowed** in terms of **prayer clause (A)**.

6.1 The proceeding, being the Marriage Petition No. 739 of 2023 pending before the learned CJSD, Vasai be transferred to the learned CJSD, Kalyan within a period of four weeks from today.

(RAJESH S. PATIL, J.)