

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO. 109 OF 2025

Archana Mahesh Suryawanshi

..Applicant

**ANAND
SUDHAKAR
SUDAME**

Versus

Mahesh Chandrakant Suryawanshi

..Respondent

Ms. Manvi Sharma i/b. Mr. Harshad Sathe, Advocates, for the Applicant
Mr. Kirankumar Phakade a/w. Mr. Sanket Mane, Advocates, for the Respondent

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by ANAND
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Date: 2025.09.25
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CORAM : RAJESH S. PATIL, J.

DATE : 23.09.2025

P. C.

1. This transfer Application has been filed by the Applicant – wife of the Respondent seeking to transfer two proceedings, one, being a divorce Petition filed by the Respondent – husband at Satara and the second, being domestic violence complaint filed by her before the learned JMFC, Vita, Sangli to the Family Court, Pune.

2. It is the case of the Applicant – wife that when she was residing at Sangli, she had preferred a D. V. complaint at Sangli. However, she was facing hardship as she had to also take care of her son's education, she shifted to Hadapsar, Pune. After shifting to Hadapsar, Pune, she has taken admission for her son's education in Balvikas School. Her son is studying in second std. Though an Order of interim maintenance was

passed directing to pay Rs. 2,000/- each to the wife and son, the Respondent – husband has not bothered to pay the said amount which is a meagre amount of Rs. 4,000/-. An outstanding amount as of today is Rs. 1,20,000/-. It is further submitted that the Respondent – husband is in the business of refining Gold and Silver as also he is having large agriculture land. In-spite of having enough income, the Respondent – husband has chosen not to pay the interim maintenance amount to the Applicant – wife and his son. Therefore, the Applicant – wife has now started working in a small organization in Pune in order to serve and take care of her son's needs.

3. Though I have given an opportunity to the learned Counsel for the Respondent – husband to take instructions as regards arrears of maintenance, he is unable to make a positive statement as regards arrears of maintenance amount.

4. The Hon'ble 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 in all proceedings, convenience of the wife has to be looked into. 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 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 laid down by the Hon'ble Supreme Court and the fact that the Respondent – husband is in arrears of maintenance and the Applicant – wife is staying with her son, aged 8 years, according to me, a case is made out to allow the present Miscellaneous Civil Application.

6. The Miscellaneous Civil Application is allowed in terms of prayer clause (a).

7. Learned JMFC, Vita, Sangli is hereby directed to transfer the proceedings of the D. V. Application No. 33 of 2023 to the Family Court, Pune within a period of four weeks from today. So also learned C. J. S. D., Satara before whom the Marriage Petition No. 97 of 2022 was pending, is directed to transfer the proceedings to the Family Court, Pune within a period of four weeks from today.

8. Learned Judge, Family Court, Pune is directed to hear the Marriage Petition No. 97 of 2022 and the D. V. Application No. 33 of 2023 together expeditiously.

9. All concerned to act on the authenticated copy of this Order.

(RAJESH S. PATIL, J.)