

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 111 OF 2025

Pooja Nandkishor Bhandare

..... Applicant

VERSUS

Nandkishor Shamrao Bhandare

..... Respondent

Mr. Rahul S. Kate for the Applicant.

Mr. Onkar Wabale i/b. Mr. Milind Deshmukh for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 15 SEPTEMBER, 2025

P.C. :-

1) The present petition is filed by the wife seeking transfer of the Section 9 petition filed by the husband at Civil Judge Senior Division, Islampur to the Court of Civil Judge, Senior Division, Baramati.

2) It is the case of the wife that she has filed the DV proceedings before the Court at Baramati. The respondent husband is working at Kolhapur as the auditor with Deputy Director of the Educational Department. The applicant wife is a housewife, aged 40 years. The distance between Baramati to Islampur is around 180 km. The journey is of around four and half hours.

3) The Hon'ble Supreme Court in case of ***N.C.V. Aishwarya***

vs. A.S.Saravana Karthik Shah, reported in ***2022 SCC OnLine SC 1199***

and in particular paragraph (9) has held 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.

4) Considering the law laid down by the Hon'ble Supreme Court and the fact of the present case, I am satisfied that the ground is made out to allow the present Miscellaneous Civil Application.

5) **Miscellaneous Civil Application is allowed in terms of prayer clause (a).** The said prayer clause (a) reads as under :-

(a) The Hindu Marriage Petition No. 149/2024 pending on the file of Civil Judge Senior- Division, Islampur may kindly be transferred to the Court of Civil Judge Senior Division, Baramati.

[RAJESH S. PATIL, J.]