

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 128 OF 2025

ANAND
SUDHAKAR
SUDAME

Sakshi Shreyas Tapase

..Applicant

Versus

Digitally signed by
ANAND SUDHAKAR
SUDAME

Shreyas Nilkanth Tapase

..Respondent

Date: 2025.11.11
12:30:24 +0530

Mr. D. D. Rananaware, Advocate, for the Applicant

CORAM : RAJESH S. PATIL, J.

DATE : 07.11.2025

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1. None appears for the Respondent when the matter is called out.
- 2, Even on the last occasion i. e. 08.10.2025, none appeared for the Respondent though he was duly served.
3. It appears that the Respondent is not interested in opposing the present transfer Application. Therefore, in the absence of the Respondent, I am proceeding further with the hearing of the transfer Application.
4. The Applicant is the wife of the Respondent who is seeking transfer of the Application filed under Section 9 of the Hindu Marriage Act, 1955 by the Respondent - husband before the Family Court, Satara to the CJSD, Dhule. It is her case that the Respondent has business at Satara. She is staying with her parents at Dhule. She is a homemaker.

She has filed a D. V. proceedings before the JMFC, Dhule and has also filed an Application under Section 498A of the Indian Penal Code, 1860 before the Police Station, Dhule. The distance between Dhule and Satara is around 450 Km and it is inconvenient for her to travel to Satara for attending the Court proceedings and return back on the same day. There is no body who can accompany her from her family or friend to attend the Court proceedings.

5. 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 while 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)

6. Considering the law laid down by the Supreme Court in the case of *N. C. V. Aishwarya (Supra)* and facts of the present proceedings, I am convinced that a case is made out to allow the Application.
7. The Miscellaneous Civil Application is allowed in terms **prayer clause (b)**.
8. The proceeding, being Marriage Petition No. 54 of 2023 pending before the Family Court, Satara be transferred to the CJSD, Dhule within a period of four weeks from today.

(RAJESH S. PATIL, J.)