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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 133 OF 2025

**Tabassum Mudassar Bagwan
Nee Tabassum Rafiq Bagwan**

..... Applicant

VERSUS

Mudassar Salim Bagwan

..... Respondent

Mr. Ajay M. Nuniwal a/w. Ms.Smitta Dubey, Mr.Abhishek Dubey,
Adv.Noorulnisha Ansari for the Applicant.

Mr. Wasim Samlewale for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 7 OCTOBER, 2025

P.C. :-

1) This is an application filed by the wife seeking transfer of the divorce proceedings filed by the husband pending before the Family Court at Sangli to the Family Court at Bandra, Mumbai.

2) It is the applicant's case that she is a police constable attached to Sakinaka Police Station, Andheri, Mumbai and her duty hours are 12 hours everyday. She is residing with two minor daughters aged 9 years and 3 years. So also, her aged mother is staying with her. It is extremely inconvenient for her to travel to Sangli, distance of which is around 400 kms at each date of the

This order is corrected pursuant to speaking to minutes of order dated 15.10.2025.

hearing. There is no male in the family to accompany her for such travel. So also, it is difficult for her to seek leave from the Police Department in order to attend her matrimonial proceedings. If the proceedings are transferred to Mumbai, she can somehow adjust and attend the court proceedings.

3) 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)

4) Considering the law laid down by the Hon'ble Supreme

Court in case of *N.C.V. Aishwarya* (supra) and the facts of the present case, I am convinced that the present Miscellaneous Civil Application requires to be allowed.

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

(a) That to transfer the proceedings bearing Petition No.B/4/2023 from the Hon'ble Family Court, at Sangli to the Hon'ble Family Court at Bandra, Mumbai.

6) The Family Court at Sangli will transfer the proceedings of Petition bearing No. B/4/2023 to the Family Court, Bandra, Mumbai within a period of four weeks from today.

[RAJESH S. PATIL, J.]