

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 140 OF 2025

Manisha Nitin Chandawade

..Applicant

Versus

ANAND
SUDHAKAR
SUDAME

Nitin Anant Chandawade

..Respondent

Ms. Tanaya Patankar, Legal Aid Counsel, for the Applicant

Mr. Prakash Israni i/b. Mr. Amit V. Tripathi, Advocates, for the Respondent

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by ANAND
SUDHAKAR
SUDAME

CORAM : RAJESH S. PATIL, J.

Date: 2025.10.15
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DATE : 13.10.2025

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1. This transfer Application has been filed by the Applicant, who is the wife of the Respondent, seeking transfer of the divorce proceedings filed by the Respondent – husband before the learned C.J.S.D., Kalyan to the learned C.J.S.D., Ratnagiri.

2. It is the case of the Applicant – wife that after her marital discord with her husband, she started residing along with her parents at Rajapur, District – Ratnagiri, along with her twin daughters, aged 5 years. Recently, she had a spinal cord injury caused by a fracture due to which it is difficult for her to travel. The distance between Kalyan and Rajapur is around 384 Kms. Therefore, for attending the proceeding at Kalyan, she will have to stay overnight near Kalyan. So also it is further

submitted that the D. V. proceedings has been filed by the Applicant – wife against the Respondent at Rajapur, District – Ratnagiri. The mediation is also going on between them before the District Court, Ratnagiri. However, there is a maintenance Order passed against the Respondent – husband of Rs. 6,000/- per month and as of today, the Respondent – husband is in arrears of maintenance amount of Rs. 1,65,000/-. The Respondent – husband was in judicial custody for 110 days at Rajapur, District – Ratnagiri. The parents of the Applicant are senior citizens and it would be difficult for them to travel along with the Applicant to attend the Court proceedings. It is further submitted that if the D. V. proceedings are transferred from the learned C.J.S.D., Kalyan to the learned C.J.S.D., Ratnagiri, the Applicant can prefer an Application to transfer the D. V. proceeding to the learned C.J.S.D., Ratnagiri.

3. On behalf of the Respondent, it is submitted that the divorce proceeding has moved further and an Affidavit of evidence has already been filed. It would be inconvenience for the Respondent – husband to travel to Ratnagiri to attend the Court proceeding. However, it is argued that in any case, mediation is in progress and some workable solution is likely to be arrived at very soon. Therefore at the most, divorce proceedings pending before the learned C.J.S.D., Kalyan can be

expedited. It is further submitted that the Affidavit of evidence was filed around four years back. Hence, transfer of proceedings at this stage is not necessary.

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 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)

5. Considering the fact that the Applicant is staying with her twin daughters, aged 5 years in her parents house, she had a spinal cord injury caused by a fracture, coupled with the fact that mediation is going on at Ratnagiri, the D. V. proceedings are also pending at

Ratnagiri and the law laid down by the Supreme Court in the above Judgment, in my view, a case is made out to allow the Application. It is also pertinent to note that the Respondent – husband has chosen to go behind bars for 110 days but did not pay arrears of maintenance amount which is around Rs. 1,65,000/- as of today.

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

7. The learned Civil Judge, Senior Division, Kalyan to transfer the Marriage Petition No. 82 of 2023 within a period of four weeks from today to the learned Civil Judge, Senior Division, Ratnagiri.

8. At this stage, Mr. Israni, learned Counsel for the Respondent prays that once the matter is transferred to the learned Civil Judge, Senior Division, Ratnagiri, the hearing of the same should be expedited.

9. On the request being made by learned Counsel for the Respondent, the hearing of the proceeding once transferred to the learned Civil Judge, Senior Division, Ratnagiri is expedited.

(RAJESH S. PATIL, J.)