



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

MISC. CIVIL APPLICATION NO. 141/2025

Suresh Narsi Solanki

..Applicant

VS

Swati Rajendra Meyavat

..Respondent

Adv. Rachit Singh a/w. Adv. Nitin Satpute for applicant.
Adv. Ahemba Hrishikesh for respondent (through VC).

CORAM : RAJESH S. PATIL, J.

DATE : 10 OCTOBER 2025.

P.C. :

1. This application is filed for transfer of the proceedings by the applicants, the applicant no.1 is the husband of the respondent and the other applicants are in-laws of the respondent.

2. It is the applicant's case that he has filed divorce proceedings before the Family Court at Bandra, Mumbai and the wife has filed domestic violence proceeding before the Judicial Magistrate First Class, Vasai.

3. Mr. Ahemba Hrishikesh, learned counsel appearing for the respondent-wife submits that the wife is residing at Vasai, District Thane and the domestic violence proceeding is filed by her on 14 April 2024 and an affidavit of evidence of wife is duly affirmed by

her, the copy of which has already been served on the other side and on 4 October 2025, the said affidavit of evidence was proposed to be filed before the Court, however, as the Court was on leave, the same could not be filed. Hence, it is prayed that the present application is devoid of merits and the same requires to be rejected as the sole purpose of filing the application is that the domestic violence proceeding which is already reached for hearing should not be proceeded further, and the same remains pending with the divorce proceeding filed before the Family Court at Bandra, Mumbai in which the stage of evidence has not reached yet and due to the heavy pendency before the Family Court at Bandra, Mumbai, the matter is not likely to start with the evidence.

4. In the judgment of the Supreme Court in the case of *N.C.V Aishwarya Versus A.S. Saravana Karthik Sha*, reported in *2022 SCC OnLine SC 1199*, wherein the Supreme Court states that it is the convenience of the wife which has to be taken into consideration while dealing with the transfer proceeding. Paragraph 9 of the said decision 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. The fact that the domestic violence proceeding pending before the Judicial Magistrate First Class at Vasai, has already reached to the stage of filing of affidavit of evidence and the Protection of Women from Domestic Violence Act, 2005 gives choice to the aggrieved person. In the present case the wife is the aggrieved person, who can make a choice between the Forum under Section 12 being the Magistrate Court and under Section 26 being the Family Court, Civil Court or Criminal Court. I do not find any merits in the present application, hence, the same requires to be rejected.

6. Misc. Civil Application stands rejected and disposed of accordingly.

(Rajesh S. Patil, J.)