

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

MISCELLANEOUS CIVIL APPLICATION NO. 145 OF 2025

**ANAND
SUDHAKAR
SUDAME**

Mrs. Pragati Swapnil Pedamkar alias
Ms. Pragati Naresh Nivalkar

..Applicant

Versus

Mr. Swapnil Ratnakar Pedamkar

..Respondent

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Date: 2025.10.04
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Ms. Lubdha Bhoir a/w. Mr. Vinit Dhotre, Mr. Rahil Hanif, Ms. Savita
Kanojiya i/b. Mr. Sanjay Mhatre, Advocates, for the Applicant
Mr. Shreyas S. Butala, Advocate, for the Respondent

CORAM : RAJESH S. PATIL, J.

DATE : 01.10.2025

P. C.

1. This is an Application filed by the Applicant, who is the wife of the Respondent, seeking transfer of matrimonial proceedings filed by the Respondent at Khed, Ratnagiri, to Panvel, Raigad.
2. It is the case of the Applicant that an interim maintenance Order of Rs. 5,000/- per month has been granted in the D. V. proceedings and the outstanding amount as of today is Rs. 2,50,000/-. The husband is a qualified mechanical engineer. It is his claim that at present, he is working as carpenter with his father and in the said profession, he is earning Rs. 10,000/- to Rs. 15,000/- per month. Therefore, he is not able to clear the outstanding amount. In any case, the Order passed in

the D. V. proceedings of interim maintenance, is under challenge before the Sessions Court at Panvel.

3. 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 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)

4. In the present proceedings, husband is not ready to clear the outstanding amount of maintenance. Neither any statement has been made by learned Counsel for the Respondent as regards clearing the outstanding amount. It is also case of the Applicant – wife that she was earlier working as nurse at Wadia Hospital, Parel, Mumbai. However,

due to constant notices being addressed to her employer by the Respondent – husband, she lost her job. Her native place is Mhasala, District – Ratnagiri. She has no relatives in Dapoli, Khed. It is difficult for her to travel to Khed and engage service of lawyer. She had managed to engage service of lawyer but service was not satisfactory and there were no funds available with her to pay the professional fees of the lawyer. For that reason, in the said matrimonial proceedings at Khed, an order of “No W.S.” was passed and with a great difficulty, the said Order was set aside. If the proceedings are transferred at Panvel, Raigad, it would be convenient for the Applicant – wife to attend the hearing so also to engage local lawyer to represent her.

5. Considering the law laid down in *N. C. V Aishwarya (Supra)* and facts of the present case, I am satisfied that a case is made out to allow the Application.

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

7. Learned Civil Judge, S. D., Khed is hereby directed to transfer the proceedings of the Marriage Petition No. 46 of 2023 to the learned Civil Judge, S. D., Panvel within a period of four weeks from today.

(RAJESH S. PATIL, J.)