

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 167 OF 2025

Rajani Pradeep Sonar

..Applicant

Versus

Pradeep K. Sonar

..Respondent

Mr. Digvijay A. Patil, Advocate, for the Applicant
None for the Respondent

CORAM : RAJESH S. PATIL, J.

DATE : 03.10.2025

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Date: 2025.10.06
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1. This is a transfer proceeding filed by the Applicant who is wife of the Respondent.
2. Office remarks shows that the Respondent has been duly served and a law firm has filed Vakalatnama on behalf of the Respondent. However, none appears for the Respondent when the matter is called out.
3. It is alleged that the Applicant is a homemaker and is staying with her son, aged 24 years at Nashik. It is further submitted that her husband is working in a Shipping Company and is posted at Africa. He draws a salary of Rs. 3,00,000/- per month. The husband has filed a divorce proceeding in the Family Court, Bandra, Mumbai. As it is

inconvenient for the Applicant – wife to attend the proceeding in Mumbai, she sought transfer of the proceeding from Mumbai to the Family Court, Nashik where the Applicant – wife’s proceeding is pending for hearing.

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 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 law laid down by the Supreme Court in the case of ***N. C. V. Aishwarya (Supra)*** and the facts of the present case, I am convinced that the Application deserves to be allowed.

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

7. Learned Judge, Family Court, Bandra, Mumbai is directed to transfer the proceeding, being Divorce Petition No. PA/1707/2023 to the Family Court, Nashik within a period of four weeks from today and the same be heard along with Criminal Application No. E/114/2023 by one and the same Judge who is hearing Criminal Application No. E/114/2023.

(RAJESH S. PATIL, J.)