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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 168 OF 2025

SWATI VIJAY PAWAR

ALIAS SWATI DATTATRAY INGLE

..... APPLICANT

VERSUS

VIJAY JAGGANNATH PAWAR

..... RESPONDENT

Adv. Daksha Punghera i/b. Adv. Karan Gajara for the Applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 10 NOVEMBER, 2025

P.C. :-

1) The office remark shows that the notice has been duly served on the respondent. Affidavit of service is also filed by the advocate appearing for the applicant. The said affidavit of service also states that the respondent has been duly served.

2) It is submitted on behalf of the applicant that on 9 May, 2025, when this matter was called out, an advocate appeared on behalf of the respondent. However, thereafter none appeared for the respondent whenever the matter is called out.

3) In the present proceedings, the applicant, who is wife of the respondent is seeking transfer of the divorce proceedings filed by the husband before the Civil Judge Senior Division, Karad to the

Family Court at Pune.

4) It is further submitted that earlier, the parties had entered into the consent terms for mutual consent divorce. However, it is the case of the applicant that the respondent husband thereafter backed out. Therefore, the present proceeding has been filed.

5) It is the case of the applicant that the distance between Pune and Karad is around 170 kms. It is inconvenient for the applicant to travel 170 kms to attend the court proceedings at Karad and return journey of 170 kms to her home at Pune where she is staying alongwith her parents.

6) 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)

7) Considering the law laid down by the Hon'ble Supreme Court in case of *N.C.V. Aishwarya* (supra) and the fact that the divorce proceeding is filed by the respondent-husband is at preliminary stage and the distance between Pune and Karad is around 170 kms, I am of the opinion that the present Miscellaneous Civil Application requires to be allowed.

8) The present **Miscellaneous Civil Application stands allowed in terms of prayer clause (a).**

9) The proceedings of Marriage Petition No. 472 of 2024 pending before the Civil Judge Senior Division, Karad be transferred to the Family Court at Pune within a period of four weeks from today.

[RAJESH S. PATIL, J.]