

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 181 OF 2025

Namrata Ajit Gadadare

..... Applicant

VERSUS

Ajit Tukaram Gadadare

..... Respondent

Mr. Suraj Gadkari a/w. Mr.Vignesh Ashokan i/b. Mr.Sachin H. Deokar
for the Applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 1 OCTOBER, 2025

P.C. :-

1) This is a transfer petition filed by the applicant, wife of the respondent. It is the case of the applicant-wife that though the respondent-husband is residing at Dombivali, Thane, with ulterior motives, he has filed divorce proceedings before the Civil Judge, Senior Division, Baramati. He submits that the distance between the place where the applicant-wife is staying i.e. Panvel and Baramati is around 250 km and the applicant-wife is staying alongwith her four years old son at Panvel.

2) None appears on behalf of the respondent-husband though he has been duly served.

3) On the last occasion i.e. on 24 September, 2025, none

appeared on behalf of the respondent-husband and last chance was given to appear in the present proceedings.

4) 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)

5) Considering the law laid down by the Hon'ble Supreme Court in case of ***N.C.V. Aishwarya*** (supra) and the facts of the present case, I am satisfied that the present Miscellaneous Civil Application requires to be allowed.

6) **Miscellaneous Civil Application is allowed in terms of**

prayer clause (a). The said prayer clause (a) reads as under :-

(a) The Marriage Petition No. 599 of 2024 filed by the Respondent and pending before the Ld. Jt. Civil Judge, Senior Division, Baramati at Baramati for decree of divorce under section 13(1)(ia)(ib) of Hindu Marriage Act, 1955 to the Court of Civil Judge, Senior Division, Panvel At Panvel;

7) The Joint Civil Judge Senior Division, Baramati is hereby directed to transfer the proceedings of Marriage Petition No. 599 of 2024 to the Court of Civil Judge Senior Division, Panvel at Panvel within a period of four weeks from today.

8) All parties to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]