



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 183/2025

MRS. NISHA SWAPNIL KURHE ..APPLICANT
VS
SWAPNIL RAMESH KURHE ..RESPONDENT

Mr. Rajan S. Pawar for applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 1 OCTOBER 2025.

P.C. :

1. This application is filed by the applicant-wife of the respondent-husband seeking transfer of Marriage Petition filed by the respondent-husband at Family Court, Aurangabad to the Family Court at Nashik.

2. Office remark shows that the respondent-husband has been duly served. On the last occasion i.e. 17 September 2025, this Court had adjourned the matter giving a last chance to the respondent-husband to appear in the proceedings and make his submissions. Even today none appeared for the respondent-husband though the advocate appearing for the applicant-wife has reserved the

respondent-husband.

3. In the present application, the wife is seeking transfer of the proceedings from Aurangabad to Nashik. It is submitted that though the respondent-husband is working in Mumbai in the Municipal Corporation's office, he has filed proceedings with ulterior motive at Aurangabad which is around 200 kms. away from Nashik and takes five hours journey to reach. It is difficult for the applicant-wife to travel to Aurangabad from Nashik on the date of hearing and return back on the same date. There is nobody to escort her to Aurangabad. The applicant-wife has already filed proceedings before Police Station at Nashik, so also, Domestic Violence proceedings filed before the Judicial Magistrate First Class, Nashik. It will be extreme difficult for the applicant-wife to attend the proceedings at Aurangabad.

4. Considering the law laid down by 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. Considering the law laid in the case of *N.C.V. Aishwarya* (supra) and the facts of the present case, I am convinced that the present Misc. Civil Application requires to be allowed.

6. Misc. Civil Application stands allowed in terms of prayer clause (B) and disposed of accordingly.

7. The Family Court, Aurangabad, is hereby directed to transfer Petition No.A-561/2024 to the Family Court, Nashik, within a period of four weeks from today.

8. All concerned to act on an authenticated copy of this order.

(Rajesh S. Patil, J.)