



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 190/2025

Shruthi Jaideep Nair ..Applicant
VS
Jaideep Sivadas Nair ..Respondent

Adv. O.P. Dubey i/b. Adv. B. B. Dubey for applicant.
Adv. Sandhya Nanavare a/w. Adv. Dhanashree Bankhele i/b. Adv.
Shivaji Misal for respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 6 OCTOBER 2025.

P.C. :

1. This application is filed by the applicant-wife of respondent-husband, seeking transfer of divorce proceedings filed by the respondent-husband pending before the Family Court at Belapur, Navei Mumbai to the Family Court at Bandra, Mumbai.
2. It is the wife's case that she is staying with her parents along with her four years old daughter.
3. The case of the husband is that he is residing at Nerul, Navi Mumbai and he is working in the company which is situated at Goregaon, Mumbai (which falls in the Western side of the Mumbai

City). The Family Court at Bandra is roughly around 15 kms. from the place of work of the respondent-husband. There are other proceedings filed by the applicant-wife against the respondent-husband before the police station/Magistrate Court at Borivali, Mumbai, which is again in the Western side of the Mumbai City.

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. Taking into consideration the law laid in the case of *N.C.V. Aishwarya* (supra) and the facts of the present case, where the wife is residing with four years old daughter in the Western side of this

city and the husband travelling to for work to Goregaon, Mumbai, I am convinced that the present Misc. Civil Application requires to be allowed.

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

7. The Family Court at Belapur, Navi Mumbai is directed to transfer Petition No.A-285/2023 to the Family Court at Bandra, Mumbai, along with connected Interim Applications in the said Petition, within a period of four weeks from today.

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

(Rajesh S. Patil, J.)