

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 196 OF 2025

Bhawna Avinash Pawar

..... Applicant

VERSUS

Avinash Prabhakar Pawar

..... Respondent

Mr. Pratik Sabrad a.w, Mr.Prathamesh Deshpande for the Applicant.

Mr. Nitin Bedse for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 3 OCTOBER, 2025

P.C. :-

1) This transfer petition is filed by the applicant-wife of the respondent seeking transfer of Marriage Petition No. 404 of 2023 filed by the respondent-husband before the Civil Judge, Senior Division, Bhiwandi, Thane to the Civil Judge, Senior Division, Malegaon.

2) It is the wife's submission that she is residing at Malegaon with her parents and she has filed two proceedings at Malegaon viz. Section 9 petition filed before Civil Judge, Senior Division, Malegaon and Section 24 petition of the Hindu Marriage Act before the Civil Judge, Senior Division, Malegaon.

3) Hence, she is seeking a transfer of the petition filed by the

respondent-husband to the Civil Judge, Senior Division, Malegaon.

4) Considering the distance between Bhiwandi and Malegaon which is around 230 km, it will be difficult for the applicant-wife to travel 230 km to attend the court proceedings and return back on the same day by 230 km again.

5) 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)

6) 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, in my view, the present Miscellaneous Civil Application requires to be allowed.

7) **Miscellaneous Civil Application stands allowed in terms of prayer clause 39(a).** The said prayer clause 39 (a) reads as under :-

(a) This Hon'ble Court be pleased to transfer proceedings bearing Marriage Petition No.404 of 2023 pending on the file of the Learned Civil Judge, Senior Division, Bhiwandi, Thane to Learned Civil Judge, Senior Division, Malegaon to be heard along with Marriage Petition No. 789 of 2023 pending on the file of Learned Civil Judge, Senior Division, Malegaon;

8) The Civil Judge, Senior Division, Bhiwandi, Thane is directed to transfer the Marriage Petition No. 404 of 2023 to the Civil Judge, Senior Division, Malegaon within a period of four weeks from today.

[RAJESH S. PATIL, J.]