

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 203 OF 2025

ANAND
SUDHAKAR
SUDAME

Pooja Sunil Kadam

..Applicant

Versus

Sunil Gautam Kadam

..Respondent

Mr. Amol Jagtap a/w. Ms. Ritika Gangwani & Ms. Samruddhi M. Tiwatne, Advocates, for the Applicant

Digitally signed
by ANAND
SUDHAKAR
SUDAME

CORAM : RAJESH S. PATIL, J.

DATE : 12.12.2025

Date:
2025.12.16
16:09:35 +0530

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1. The present transfer Application has been filed by the Applicant, wife of the Respondent seeking transfer of the Respondent – husband's divorce proceeding from the learned CJSD, Barshi, District – Solapur to the Family Court, Pune.
2. Office remarks show that the Respondent has been duly served but none appears on behalf of the Respondent. Even on the earlier occasion when office remarks showed that the Respondent has been served, none appeared on behalf of the Respondent. However, I directed learned Counsel for the Applicant to serve the Respondent by a private notice though an Affidavit of service proving that the Respondent has been served by a soft copy via email was on record.

3. Mr. Jagtap, learned Counsel for the Applicant submits that one more time the Respondent has been served and Affidavit of service has been filed. I am convinced that though the Respondent has been served, he is not interested in appearing in the present proceeding.

4. Hence, I proceed further with the hearing of the MCA.

5. The case of the Applicant is that she is staying with her parents at Pune along with her minor daughter who is studying in school in Pune. An interim maintenance order was passed granting maintenance of Rs. 12,000/- per month to the Applicant. The distance between Pune and Barshi is around 230 Km. Therefore, it will be inconvenient for the Applicant to attend the Court proceeding at Barshi by traveling 230 Km to attend the Court proceeding and return back on the same day when there is no male member in her family to accompany her to attend the Court proceeding.

6. The Supreme Court in the case of ***N. C. V. Aishwarya vs. A. S. Sarvana Karthik Sha***, reported in ***2022 SCC OnLine SC 1199*** has held that considering transfer proceedings, convenience of the wife has to be taken into consideration. Paragraph 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 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 as laid down by the Supreme Court in the case of ***N. C. V. Aishwarya*** (Supra) and facts of the present case, I am convinced that this MCA requires to be allowed.

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

8.1 The proceeding, being HMP No. 136 of 2024 pending before the learned CJSD, Barshi, District – Solapur be transferred to the Family Court, Pune within a period of four weeks from today.

8.2 Learned Counsel for the Applicant is hereby directed to convey the order passed today to **the learned CJSD, Barshi, District – Solapur** who is hearing the matrimonial proceedings and file Affidavit to that effect within a period of two weeks from today.

8.3 Similarly, Registrar (Judicial – I) is hereby directed to communicate the order passed today to **the Registrar of the learned CJSD, Barshi, District – Solapur by E-mail.**

(RAJESH S. PATIL, J.)