

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 209 OF 2025****PRIYANKA AJINKYA BHAGWAT****..... APPLICANT****VERSUS****AJINKYA ATMARAM BHAGWAT****..... RESPONDENT**

Adv. Tejas P. Hilage (Thr. V.C.) for the Applicant.

CORAM : RAJESH S. PATIL, J.**DATE : 21 NOVEMBER, 2025****P.C. :-**

1) Mr.Hilage, learned advocate for the applicant seeks liberty to amend the prayer clause of the present Miscellaneous Civil Application.

1.1) Liberty as prayed, is granted. Amendment to be carried out forthwith.

2) None appears for the respondent when the matter is called out. There are atleast three affidavits of service been filed by the applicant which proves that the respondent has been duly served. However, the respondent though served, is avoiding to attend the court proceedings.

3) Therefore, I have proceeded to hear the proceeding in

absence of the respondent.

4) By the present proceeding, the applicant, who is the wife of the respondent, is seeking transfer of the proceeding filed by the respondent-husband before the Civil Judge Senior Division, Kalyan to the Civil Judge Senior Division, Pune.

5) It is the applicant's case that she had filed Section 9 proceeding under the Hindu Marriage Act before the Civil Judge Senior Division, Pune and to counter the same, the respondent-husband thereafter filed divorce proceeding before the Civil Judge Senior Division, Kalyan.

6) It is submitted that the applicant after having lost her job, is staying with her parents at her native place at Nira, Taluka Purandar which is 80 kms away from Pune City. It is submitted that from Nira to travel to Kalyan to attend the court proceedings, it will take around five hours which is around 250 kms. It will be totally inconvenient to the applicant to attend the court proceedings by travelling 250 kms and return back on the same day. It is further submitted that the applicant was threatened by the respondent's family while she was staying in her matrimonial home. Therefore it is inconvenient for the applicant to attend the court proceedings. While the respondent will have no inconvenience to attend the court proceedings at Pune as he

is working at Navi Mumbai and is residing at Kalyan.

7) 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)

8) 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, the present Miscellaneous Civil Application requires to be allowed.

9) **Miscellaneous Civil Application stands allowed in terms of amended prayer clause (a).**

10) The proceedings of Marriage Petition bearing No. 779 of 2024 pending before the 3rd Joint Civil Judge Senior Division, Kalyan be transferred within a period of four weeks from today to the 13th Joint Civil Judge Senior Division, Pune and be tagged alongwith Marriage Petition No. 200 of 2024 and to be heard and decided by the one and the same Judge.

11) The hearing of both the proceedings, viz., Marriage Petition No. 779 of 2024 and Marriage Petition No. 200 of 2024 is hereby expedited.

[RAJESH S. PATIL, J.]