

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO. 213 OF 2025

Mrs. Huda Javed Gite alias ..Applicant
Ms. Huda A. R. Ghole

Versus

Mr. Javed Mushtaqali Gite ..Respondent

Mr. Vishal G. Salvi a/w. Mr. Tejas Pawar, Ms. Suchitra Kamble &
Mr. Shubham Pawar, Advocates, for the Applicant

CORAM : RAJESH S. PATIL, J.

DATE : 09.12.2025

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1. By the present proceeding, the Applicant, wife of the Respondent, is seeking transfer of divorce Petition filed by the Respondent – husband under the Muslim Personal Law (Shariat) Application Act, 1937, pending before the 4th Jt. CJSD & JMFC, Vasai, District – Thane to the Family Court at Belapur, Navi Mumbai.

2. It is submitted that the Applicant has filed D. V. proceedings before the Judicial Magistrate First Class at Belapur. In the said proceedings, in an Interim Application, maintenance of Rs. 20,000/- (Rupees Twenty Thousand Only) per month has been granted. As the said interim maintenance amount was not paid, the Applicant – wife has filed the recovery proceedings. The arrears as of now has gone up

to Rs. 17,00,000/- (Rupees Seventeen Lacs Only).

3. 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)

4. Considering the law as laid down in the case of ***N. C. V. Aishwarya*** (Supra) and the fact that the Respondent – husband who is staying and working in Kuwait is in arrears of Rs. 17,00,000/- (Rupees Seventeen Lacs Only), I am convinced that the present MCA requires to be allowed.

5. The Miscellaneous Civil Application stands **allowed** in terms of

prayer clause (a).

5.1 The proceeding, being R.C.S.No. 520 of 2024 pending before the learned 4th Jt. CJJD & JMFC, Vasai, District – Thane be transferred to the Family Court, Belapur, Navi Mumbai within a period of four weeks from today.

5.2 The hearing of the R.C.S.No. 520 of 2024 is expedited.

5.3 Learned Counsel for the Applicant is hereby directed to convey the order passed today to the **4th Jt. CJJD & JMFC, Vasai, District - Thane** and file affidavit to that effect within a period of two weeks from today.

5.4. Similarly, Registrar (Judicial-I) is hereby directed to communicate the order passed today to the Registrar of the **4th Jt. CJJD & JMFC, Vasai, District - Thane by Email.**

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

(RAJESH S. PATIL, J.)