

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 225 OF 2025

Ravina Vishwam Jadhav

Nee Ravina Sunil Kharbanda

..... Applicant

VERSUS

Vishwam Balasaheb Jadhav

..... Respondent

Mr. Nitin A. Mulye for the Applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 7 OCTOBER, 2025

P.C. :-

1) On 24 September, 2025 the following order was passed :-

1. This is a Transfer Application filed by the applicant – wife of respondent – husband seeking transfer of Marriage Petition filed by the respondent – husband in the Court of the Joint Civil Judge, Senior Division and Additional Chief Judicial Magistrate, Pune to Civil Judge, Senior Division, Nashik or Principal Judge of the Family Court at Nashik.

2. On 18 September 2025, when the matter was called out, none appeared for the respondent. Even today, when the matter was called out, none appears for the respondent.

3. In order to grant one more opportunity to the respondent – husband to make submissions, stand over to 7 October 2025.

4. In the meanwhile, there will be ad-interim relief in terms of prayer clause (b), till next date of the hearing.

2) Even today, none appeared for the respondent though the

respondent is duly served. It is the case of the applicant that she has filed two proceedings against the respondent before the Courts at Nashik. She is staying with her parents at Nashik. The parents of the respondent are also staying at Nashik. However, with ulterior motives, he has filed marriage petition before the Joint Civil Judge, Senior Division, Pune. The respondent-husband is carrying out his business in Pune and it is easier for him to travel at Nashik to attend the court proceedings. The distance between Nashik and Pune is around 4 and ½ hours.

3) 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)

4) 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, I am convinced that the present Miscellaneous Civil Application requires to be allowed.

5) The present **Miscellaneous Civil Application is allowed in terms of prayer clause (a)** except the bracketed portion i.e. after the words "be transferred". The said prayer clause (a) reads as under :-

(a) This Hon'ble Court may be pleased to Order that Marriage Petition number 56 of 2024, filed by the Respondent against the Applicant, in the court of 13th Jt. C.J.S.D. & Addl. C.J.M., Pune, Pune City, Pune, be transferred (~~to the court of C.J.S.D. Nashik or~~) to the Court of Principal Judge, Family Court, Nashik at Nashik Road.

6) The 13th Joint Civil Judge, Senior Division and Additional C.J.M., Pune, Pune City is directed to transfer the proceedings of Marriage Petition No. 56 of 2024 to the Principal Judge, Family Court at Nashik.

[RAJESH S. PATIL, J.]