

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 226 OF 2025

ANAND  
SUDHAKAR  
SUDAME

Neeta Amol Jagtap before marriage  
Neeta Gautam Salve

..Applicant

Versus

Amol Gautam Jagtap

..Respondent

Digitally signed  
by ANAND  
SUDHAKAR  
SUDAME

Date: 2025.12.23  
19:43:33 +0530

Ms. Jui B. Gharat a/w. Mr. P. S. Hande, Advocates, for the Applicant

**CORAM : RAJESH S. PATIL, J.**

**DATE : 22.12.2025**

**P C.**

1. Ms. Gharat, learned Counsel for the Applicant submits that the Respondent has been duly served but he is purposely trying to avoid to appear and make submissions in the present proceeding through appointed Advocate. He submits that earlier on 07.08.2025, after this Court had issued notice and permitted the Applicant to serve by a private notice, an attempt was made to serve the Respondent. However, the packet came back from his residential address. Hence, an Affidavit of service dated 19.09.2025 has been filed on record.

1.1 Subsequently, pursuant to the order passed by this Court, the Respondent was served at his office address where he refused service. Hence, an Affidavit of service dated 23.09.2025 has been filed.

1.2 As the Respondent did not appear in the present proceeding, in order to give one more opportunity to appear and make submissions in the present proceeding, the Applicant was directed to serve the Respondent through his Advocate appearing before the learned CJSD, Kalyan.

1.3 Ms. Gharat, learned Counsel for the Applicant submits that a packet containing a copy of the MCA was sent to the learned Counsel for the Respondent appearing before the learned CJSD, Kalyan. The said packet was delivered to the said Advocate on 15.12.2025 and to that effect, an Affidavit of service dated 18.12.2025 has been filed on record.

1.4 Considering the facts as narrated by Ms. Gharat, learned Counsel for the Applicant, according to me, the Respondent has been duly served by a private notice. Insofar as Court notice is concerned, office remarks show that notice was issued at the fresh address of the Respondent.

1.5 As none appears for the Respondent though duly served, I am proceeding further with the hearing of the MCA.

2. By the present transfer Application, the Applicant who is the wife of the Respondent is seeking transfer of the divorce proceeding filed by the Respondent – husband before the learned CJSD, Kalyan to the

learned Additional District Judge, Palghar.

3. It is the case of the Applicant that she is staying at Palghar (W) along with her two minor daughters. She is working as Talathi and the Respondent – husband is working as Sales Tax Officer at Palghar. Considering convenience of the Applicant – wife, the proceeding filed by the Respondent – husband should be transferred to Palghar. Even for the Respondent – husband who is working at Palghar, it will be convenient, if the proceedings are transferred to Palghar. It is further submitted that the Applicant – wife has filed marriage proceeding for restitution of conjugal rights before the learned Additional District Judge, Palghar.

4. 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 while deciding 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)

5. 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, where even the Respondent – husband is working in Palghar, according to me, a case is made out to allow the MCA.

6. Hence, the Miscellaneous Civil Application **stands allowed** in terms of **prayer clause (a)**.

6.1 The proceeding, being the Marriage Petition No. 2039 of 2024 pending before the learned CJSD, Kalyan be transferred to the learned Additional District Judge, Palghar within a period of four weeks from today and the same be heard along with the Marriage Petition No. 1 of 2025 filed by the Applicant – wife and which is pending before the learned Additional District Judge, Palghar. Both the proceedings be heard by one and the same Judge.

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

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

**(RAJESH S. PATIL, J.)**