

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 227 OF 2025

ANAND
SUDHAKAR
SUDAME

Mrs. Pallavi Aniket Savale Nee
Pallavi Kishor Gharate

..Applicant

Versus

Mr. Aniket Vijay Savale

..Respondent

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ANAND SUDHAKAR
SUDAME

Date: 2025.10.07
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Ms. Grishma Lad a/w. Ms. Priyanka Yadav, Advocates, for the Applicant

CORAM : RAJESH S. PATIL, J.

DATE : 06.10.2025

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1. This is a transfer Application filed by the Applicant – wife, seeking transfer of the proceeding filed by husband who is staying at Dhule. The Applicant is working in Government department in the city of Mumbai and is staying along with her two daughters aged 10 & 15 years. The Respondent – husband is a businessman who is staying at Dhule and is not paying any kind of maintenance to the Applicant – wife and towards daughters. The Applicant is taking care of the education of both daughters. It is also stated that the Applicant is suffering from hypertension and hypothyroidism for which she is taking treatment.

2. The Respondent has been duly served but has chosen not to

appear in the present proceedings.

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 laid down by the Supreme Court in the case of ***N. C. V. Aishwarya (Supra)*** and facts of the present case where the Respondent is not paying any kind of maintenance to the wife and the distance between Dhule and Mumbai is around 8-10 hours travel time by train. Hence, it is difficult for her to travel and attend the proceeding at Dhule. She would have to overnight stay Dhule. Hence,

according to me, a case is made out to allow the Application.

5. The Miscellaneous Civil Application is allowed in terms of **prayer clause (a)**.

6. Learned Judge, Family Court, Dhule is directed to transfer the Divorce Petition No. A/41/2025 to the Family Court, Bandra, Mumbai within a period of four weeks from today.

7. All concerned to act on the authenticated copy of this Order.

(RAJESH S. PATIL, J.)