



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

MISC. CIVIL APPLICATION NO. 245/2025

MRS. ARCHANA DATTATRAY JAGTAP ..APPLICANT

VS

MR. DATTATRAY CHANDEV JAGTAP ..RESPONDENT

Adv. Vaibhav R. Gargade for applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 10 OCTOBER 2025.

P.C. :

1. Office remark shows that the respondent has been duly served, however, none appears on behalf of the respondent, when the matter is called out for hearing. Even on the earlier occasion though the respondent was served, none appeared on behalf of the respondent-husband. Therefore, in order to give one more opportunity to the respondent-husband, matter was adjourned today. However, today also none appears on behalf of the respondent-husband.

2. This transfer application has been filed by the applicant-wife of the respondent seeking transfer of divorce proceeding filed by the husband before the Family Court at Belapur to the Civil Judge, Senior Division, Malshiras, District Solapur.

3. It is the case of the applicant-wife that she is residing at Malshiras, District Solapur along with her parents. She has filed

proceedings against the respondent-husband before the Judicial Magistrate First Class, Malshiras, District Solapur, so also, under Section 9 before the Civil Judge, Senior Division, Malshiras, District Solapur. The respondent-husband has filed the divorce proceeding before the Family Court at Belapur.

4. The distance between Malshiras, District Solapur and Belapur is around 600 kms. to and fro. An Interim Maintenance Application has been filed before the Judicial Magistrate First Class, Malshiras, District Solapur and in the said application no orders have been passed as of now granting maintenance to the applicant-wife.

5. In the judgment of the Supreme Court in the case of ***N.C.V Aishwarya Versus A.S. Saravana Karthik Sha***, reported in ***2022 SCC OnLine SC 1199***, wherein the Supreme Court states that it is the convenience of the wife which has to be taken into consideration while dealing with the transfer proceeding. Paragraph 9 of the said decision 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)

6. Considering the law as laid down by the Supreme Court in the aforementioned judgments and the facts of the present case, where the distance between Malshiras, District Solapur, and Belapur is around 300 kms, in my view, it is inconvenient for the wife to travel 300 kilometers to attend the hearing and then return the same day traveling 300 kms. To do so, she would have to stay overnight at Belapur to attend the proceedings filed by the husband. She has also filed three proceedings before the Court of Malshiras, District Solapur. Hence, I am convinced that the transfer application deserves to be allowed.

7. Misc. Civil Application is allowed in terms of prayer clause (a) and disposed of accordingly.

8. The proceeding of Marriage Petition No.A-394 of 2023 be transferred from the Family Court at Belapur to the Civil Judge Senior Division, Malshiras, District Solapur, within a period of four weeks from today.

(Rajesh S. Patil, J.)