

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 249 OF 2025

ANAND
SUDHAKAR
SUDAME

Mrs. Ekta Tejas Mhatre

..Applicant

Versus

Mr. Tejas Ratan Mhatre

..Respondent

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ANAND SUDHAKAR
SUDAME

Date: 2025.11.19
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Mr. Kokila D. Kalra, Advocate, for the Applicant
None for the Respondent

CORAM : RAJESH S. PATIL, J.

DATE : 13.11.2025

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1. At the outset, Mr. Kalra, learned Counsel for the Applicant seeks leave to amend prayer clause (g) of the Application. Leave as sought for is granted. Amendment to be carried out forthwith.

2. On 11.11.2025, the Respondent was represented by an Advocate and only on his request, the matter was adjourned and kept today to hear learned Counsel for the Respondent.

3. Even on the second call, none appears for the Respondent when the matter is called out.

4. I have heard Mr. Kalra, learned Counsel for the Applicant.

5. By the present Application, the Applicant who is the wife of the Respondent is seeking transfer of the D. V. proceedings filed by her

before the 3rd Jt. CJJD & JMFC, Kalyan to be transferred to the JMFC, Belapur, Navi Mumbai; and also transfer of the Petition, being RCC bearing No. 275 of 2024 pending before the 3rd Jt. CJJD & JMFC, Kalyan to be transferred to the JMFC, Belapur, Navi Mumbai; and the Petition, being RCC bearing No. 71 of 2025 pending before the 3rd Jt. CJJD & JMFC, Kalyan to be transferred to the JMFC, Belapur, Navi Mumbai and the Petition, being Civil MA bearing No. 134 of 2024 pending before the District Judge – 1 & Additional Sessions Judge, Kalyan to be transferred to the Additional District Court, Belapur, Navi Mumbai.

6. It is the case of the Applicant – wife that the Respondent is not paying even a single penny to the Applicant and towards expenses of a minor son, aged 5 years. The Applicant alone is taking care of herself and her minor son. The minor son is a school-going boy and the expenses to be borne by the Applicant alone. The Applicant had filed all the proceedings at Kalyan, District – Thane (near to Dombivali) because her matrimonial home was at Dombivali and after there was matrimonial discord, she has left her matrimonial home at Dombivali and is residing with her parents at Sanpada, Navi Mumbai. Therefore, she is seeking transfer of all the proceedings filed against the Respondent to the Court at Belapur, Navi Mumbai. The distance

between Belapur and Dombivali is around 50 Km and it is inconvenient to travel from Sanpada to Kalyan as her son is a minor, aged 5 years. It would also be inconvenient for her to travel along with her minor son as the court hearing consumes lot of time. The Respondent – husband has various businesses while the Applicant is a homemaker.

7. 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)

8. The Applicant is staying with her parents along with her 5 years minor son. In my view, it will be inconvenient for the Applicant – wife

to attend the Court proceedings at Kalyan. Considering the law as laid down by the Supreme Court in the case of *N. C. V. Aishwarya (Supra)*, facts of the present case where the Respondent has not bothered to pay any amount of maintenance to the Applicant who is his wife and towards expenses of her minor son. I am of the view that a case is made out to allow the present Application.

9. The Miscellaneous Civil Application stands allowed in terms of **prayer clauses (a), (c), (e) & amended (g).**

10. For the sake of convenience of both the parties, D. V. proceedings which will be transferred to the JMFC, Belapur, Navi Mumbai be heard along with transferred RCC No. 275 of 2024, and transferred RCC No. 71 of 2025.

11. All the proceedings be heard by one and the same Judge of the JMFC, Belapur. All the proceedings be clubbed and heard together.

(RAJESH S. PATIL, J.)