

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 259 OF 2025

Dr. Archana Navinkumar Kore & ors.

..Applicants

ANAND
SUDHAKAR
SUDAME

Versus

Dr. Navinkumar Revansiddh Kore & ors.

..Respondents

Mr. Hrishikesh Nabar i/b. Ms. Gargi Warunjikar, Advocates, for
Applicant No. 1

Mr. M. A. Patil, Advocate, for Respondent No. 1

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by ANAND
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Date: 2025.10.01
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CORAM : RAJESH S. PATIL, J.

DATE : 26.09.2025

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1. This is an Application filed by the Applicant – wife seeking transfer Hindu Marriage Petition No. 567 of 2024 from C.J.S.D., Solapur to the JMFC, Ghodnadi, Pune.

2. Learned Counsel for the Applicant seeks leave to amend MCA insofar as prayer clauses are concerned. Leave as prayed for is granted. Amendment to be carried out forthwith. Re-verification is dispensed with.

3. Ms. Gargi Warunjikar, learned Counsel for the Applicant submits that the Applicant is staying at Shirur, Pune along with her daughter who is two and half years old. The husband/Respondent No. 1 has filed restitution of conjugal rights proceedings before the Civil Judge, Senior

Division, Solapur. It will not be possible for the Applicant to travel from Shirur to Solapur to attend Court proceedings, since she has to also take care of her minor daughter. It is further submitted that both the lawyers tried to amicably settle the matter between the parties however the same has failed.

4. The Supreme Court in the case of ***N.C.V Aishwarya vs. A. S. Saravana Karthik Sha***, reported in ***2022 SCC OnLine SC 1199*** has held that in all transfer petitions, 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 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.”

5. Considering the law laid down by the Supreme Court and the fact that in the present proceeding, wife is staying with her two and half years old daughter and widow mother in Pune, there will be more inconvenience to the Applicant – wife, than to the Respondent –

husband.

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

7. The learned Judge, Civil Judge, Senior Division, Solapur is directed to transfer the proceeding, being Hindu Marriage Petition No. 567 of 2024 to the JMFC, Ghodnadi, Pune within a period of four weeks from today.

8. The Miscellaneous Civil Application stands disposed of.

(RAJESH S. PATIL, J.)