

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 263 OF 2025

ANAND
SUDHAKAR
SUDAME

Jayashree Sachin Pawar alias
Jayashree Khanderao Tarle

..Applicant

Versus

Sachin Ramchandra Pawar

..Respondent

Digitally signed
by ANAND
SUDHAKAR
SUDAME

Mr. A. V. Taskar, Advocate, for the Applicant

Mr. Shailesh Kharat a/w. Mr. Omkar Chaudhari, Advocates, for the
Respondent

Date: 2025.10.06
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CORAM : RAJESH S. PATIL, J.

DATE : 03.10.2025

P. C.

1. This is a transfer proceeding filed by the Applicant – wife of the Respondent, seeking transfer of the Petition for divorce filed by the Respondent – husband in the Family Court, Nashik to the CJSD Court, Niphad.

2. It is the case of the Applicant – wife that she is staying in village Chandori, Taluka – Niphad, District – Nashik along with her parents and nine years old daughter. It is submitted that the Applicant – wife has filed three proceedings against the Respondent – husband, being (i) PWDVA (Domestic Violence Case) No. 72 of 2021 before the learned CJM & CJSD, Niphad (ii) Criminal Miscellaneous Application No. 322

of 2021 before the learned CJM & CJSD, Niphad for seeking maintenance for herself and her daughter under Section 125 of the Code of Criminal Procedure, 1973 and (iii) Civil Miscellaneous Application No. 30 of 2021 under Sections 6 & 25 of the Hindu Minority and Guardianship Act, 1956 seeking relief of custody of minor daughter before the District Court, Niphad. It is submitted that all these proceedings along with the divorce proceeding can be heard by one and the same Judge at CJSD, Niphad. It is also submitted that the Respondent – husband is working in Chartered Accountant Firm and his father is an Advocate and practising in Family Court, Nashik. As of now, maintenance is not paid by the Respondent – husband to the Applicant – wife or her daughter. In fact, the Maintenance Application has been opposed by the Respondent – husband.

3. On behalf of the Respondent – husband it is submitted that the Applicant – wife can travel to the Family Court, Nashik since the distance between the Court and her house is the same as that of Niphad Court. Educational expenses of the daughter are borne by the Respondent – husband. The Applicant – wife is also working woman and the said fact is denied by her.

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 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)

5. Considering the law laid down by the Supreme Court in ***N. C. V. Aishwarya (Supra)*** and the facts of the present case, I am convinced that the Application deserves to be allowed.

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

7. The present Application be heard along with three proceedings, being (i) PWDVA (Domestic Violence Case) No. 72 of 2021 (ii) Criminal Miscellaneous Application No. 322 of 2021 and (iii) Civil Miscellaneous Application No. 30 of 2021, by one and the same Judge.

8. Learned Judge, Family Court, Nashik is directed to transfer the proceeding, being Petition A No. 891 of 2024 to the CJSD Court, Niphad within a period of four weeks from today.

9. Learned Counsel for the Respondent is permitted to file his Vakalatnama.

(RAJESH S. PATIL, J.)