



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 267/2025

MARUTI GANPAT SHINDE

..APPLICANT

VS

VANDANA MARUTI SHINDE

NEE VANDANA SAMPAT PAWAR

..RESPONDENT

Ms. Bhagyashri Mangale i/b. Mr. E. A. Sasi for applicant.

Ms. Akanksha Mishra a/w. Ms. Shriya Mehta for respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 6 OCTOBER 2025.

P.C. :

1. In the present proceedings, it is alleged by the respondent-wife that this is the applicant's third marriage which took place in the year 1998 and now, he is seeking transfer of D. V. proceeding filed by the respondent – wife from the Additional CMM Court's, Borivali, Mumbai to the Family Court, Bandra, Mumbai. Already execution Application for recovery of maintenance is pending before the Family Court, Bandra, Mumbai. Multiple Petitions have already been disposed of on the earlier occasion.

2. It is submitted on behalf of the respondent-wife that the

outstanding maintenance amounts to Rs. 10 lakhs. Learned counsel for the applicant-husband submitted that the outstanding amount is only Rs. 2,75,000/- and not Rs.10 lakhs. It has also been submitted that earlier divorce proceedings were filed and withdrawn at least four times. Additionally, the applicant-husband has filed a petition seeking relief to prohibit the daughter of the respondent-wife, who is currently using the applicant-husband's name as her father's name, from continuing to use his name.

3. Considering the fact that the at least outstanding maintenance amount is admittedly Rs. 2,75,000/-, and as per the respondent-wife's claim it is Rs. 10 lakhs, along with the fact that pictures have been shown to this Court indicating that the applicant-husband owns fishing trawlers, and is not ready to clear the same. I do not find the transfer application of the husband to be a bonafide one.

4. In the judgment passed by me in Misc. Civil Application No.239 of 2024, I have held that choice to seeking relief in different forums viz. Magistrate/Family Court/Civil Court, is to the aggrieved party.

5. Considering the law laid down by 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. This matter was argued on 3 October 2025, and even today, when this Court was not inclined to grant any relief, learned counsel for the applicant-husband sought leave to withdraw the present application.

7. At this juncture, learned counsel for the respondent pressed for imposing cost on the applicant for wasting judicial time when lots of litigants are waiting for their turn.

8. Leave as prayed for, granted.

9. In view of the above, **the Misc. Civil Application is disposed of as withdrawn**, subject to cost of Rs.50,000/- to be paid by the

applicant-husband within four weeks from today to the respondent-wife.

(Rajesh S. Patil, J.)