

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

MISCELLANEOUS CIVIL APPLICATION NO. 270 OF 2025

**ANAND
SUDHAKAR
SUDAME**

Ishwari Yogesh Hanse

..Applicant

Versus

Yogesh Suraj Hanse

..Respondent

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by ANAND
SUDHAKAR
SUDAME

Date:
2025.10.13
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Mr. Prashant C. Mohite a/w. Ms. Vaishali G. Mane, Advocates, for the
Applicant

Mr. Tejas Kamble a/w. Mr. Sushant Tayade, Advocates, for the
Respondent

CORAM : RAJESH S. PATIL, J.

DATE : 08.10.2025

P. C.

1. This is a transfer Application filed by the Applicant – wife of the Respondent, seeking transfer of the Marriage Petition No. 1721 of 2024 filed by the Respondent – husband before the learned 13th Jt. CJSD & Addl. CJM, Pune to the Family Court, Nashik.

2. It is the case of the Applicant that she is staying with her parents at Nashik along with her two years, ten months old son, who is a special child. She has lost her mother and her father is paralyzed person. There is no one in her family to accompany her to attend the proceedings at Pune which is about 200 Km from Nashik. Pending the present proceeding, she has also filed the Petition for restitution of

conjugal rights before the Family Court, Nashik. Therefore, she is seeking transfer of the Petition filed by the Respondent – husband to the Family Court, Nashik and to be heard along with the Petition filed by her for restitution of conjugal rights. The Interim Maintenance Application filed by the Applicant – wife is pending for hearing before the Family Court, Nashik.

3. Mr. Kamble, learned Counsel for the Respondent – husband submitted that the Applicant – wife can very well travel to Pune to attend the Court proceeding. The divorce proceeding has now proceeded ex-parte and is now at the stage where the Respondent – husband who is the Petitioner in the divorce proceeding will file his Affidavit of evidence.

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 the above Judgment and facts of the present case, in my view, the aforesaid Application deserves to be allowed.

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

7. The learned 13th Jt. CJSD & Addl. CJM, Pune is directed to transfer the Marriage Petition No. 1721 of 2024 to the Family Court, Nashik within a period of four weeks from today and to be heard along with Petition No.A582/2025 pending before the learned 2nd Judge, Family Court, Nashik. Both the proceedings be clubbed and heard together by the same learned Judge.

(RAJESH S. PATIL, J.)