

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 271/2025

SANGITA MURLIDHAR SHINDE ..APPLICANT

VS.

MURLIDHAR SAKHARAM SHINDE ..RESPONDENT

Mr. Amol L. Dhumal (Thr V.C.) for the Applicant.

None for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 17 OCTOBER, 2025

P.C. :-

- 1) The respondent is represented by an advocate who has already filed his reply in the present proceedings. However, the advocate for the respondent is not present when the matter is called out.
- 2) This is an application preferred by the applicant who is the wife of the respondent, seeking transfer of the divorce proceedings from the Family Court Kolhapur to the Civil Judge, Senior Division, Daund, District Pune.
- 3) I have heard the advocate for the applicant, and I have gone through the contents of the documents on record.
- 4) It is applicant's case that she is not employed for gain. She is just a home-maker and after her marital discord, she is staying

with her parents at Daund, Pune. The husband has filed the proceedings at Kolhapur which is around 236 kms away from Daund and time taken for travel would be around five hours. There is no male member in the family to accompany her to travel to Kolhapur to attend the court proceedings and return back on the same day. She has filed a D.V. proceedings before the 4th Joint Civil Judge, Senior Division and Judicial Magistrate First Class, Daund which is pending for final hearing. The respondent-husband is a physiotherapist and earns around Rs.1 lac per month. Therefore, if the proceedings are transferred to Daund, District Pune, there will be no inconvenience to the respondent-husband.

4) The Hon'ble Supreme Court in case of ***N.C.V. Aishwarya vs. A.S.Saravana Karthik Sha***, reported in ***2022 SCC OnLine SC 1199*** has held that the convenience of the wife has to be seen for the transfer proceedings. Paragraph no.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.

(Emphasis supplied)

5) Considering the law laid down by the Hon'ble Supreme Court in case of *N.C.V. Aishwarya* (supra) and considering the facts of the present proceedings, I am convinced that the present Miscellaneous Civil Application requires to be allowed.

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

7) The proceedings of Matrimonial Petition No. B-2 of 2023 be transferred to the Civil Judge, Senior Division, Daund, District Pune within a period of four weeks from today.

8) The respondent-husband is permitted to attend the court proceedings via video conferencing and should attend the proceedings physically whenever so directed by the Judge of the Civil Court, Senior Division, Daund, District Pune.

[RAJESH S. PATIL, J.]