

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 273 OF 2025

ANAND
SUDHAKAR
SUDAME

Nikita Akshay Katore alias
Nikita Nandadeep Jagdale

..Applicant

Versus

Digitally signed by
ANAND SUDHAKAR
SUDAME

Date: 2025.11.11
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Akshay Mahesh Katore & ors.

..Respondents

Ms. Muskan Shaikh i/b. Mr. Mateen Shaikh, Advocate, for the
Applicant

CORAM : RAJESH S. PATIL, J.

DATE : 07.11.2025

P C.

1. Office remarks show that the Respondent has been duly served. So also Ms. Shaikh, learned Counsel for the Applicant has tendered an Affidavit of service dated 06.11.2025. The said Affidavit states that the Respondent has been privately served. None appears for the Respondent when the matter is called out. It seems that the Respondent is not interested in opposing the present transfer Application.

2. The Applicant is the wife of Respondent No. 1. She is seeking transfer of the proceeding, being Marriage Petition No. 720 of 2024 pending before the CJSD, Khed, District – Pune to the CJSD, Pune.

3. It is the case of the Applicant that she is staying at Lonikand, which is around 30 Km from Pune city. She has filed a divorce

proceedings before the CJSD, Pune and the Respondent – husband has filed an Application under Section 9 of the Hindu Marriage Act, 1955 before the CJSD, Khed, District – Pune. It is submitted that if the Applicant wants to attend the proceedings filed by the Respondent – husband, she has to travel from Lonikand, Khed, District – Pune which would be around 80 Km. Therefore, if the proceeding at CJSD, Khed, District – Pune is transferred to the CJSD, Pune, the Respondent will have to travel roughly around 50 Km to attend the proceedings CJSD, Pune and the Applicant will have to travel around 30 Km to Pune to attend the Court proceedings.

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 while 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 as laid down by the Supreme Court in the case of *N. C. V. Aishwarya (Supra)* and facts of the present proceedings where the divorce proceedings filed by the Applicant who is the wife of the Respondent is also pending before the CJSD, Pune, the proceedings filed by the Respondent – husband under Section 9 of the Hindu Marriage Act, 1955 can be transferred from the CJSD, Khed, District – Pune to the CJSD, Pune.
6. The Miscellaneous Civil Application is allowed in terms of **prayer clause (a)**.
7. The proceedings of the Marriage Petition No. 720 of 2024 pending before the CJSD, Khed, District – Pune be transferred to the CJSD, Pune within a period of four weeks from today.
8. The Marriage Petition No. 720 of 2024 after being transferred to the CJSD, Pune be heard by one and the same Judge who is hearing the Marriage Petition No. 389 of 2024.
9. Both the aforesaid Marriage Petitions be clubbed and heard together.

(RAJESH S. PATIL, J.)