

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 278 OF 2025**

Nisha Pankaj Abhang @ Nisha Sunil Gangurde ... Applicant

vs.

Pankaj Ramesh Abhang ... Respondent

Mr. Sarvesh Dixit, i/b. Mr. Adesh Jadhav for applicant.

Mr. Harshwardhan Karande, i/b. Mr. Shashikant Sansare for respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 25th SEPTEMBER, 2025

P.C. :-

1. This transfer application has been filed by the applicant-wife of the respondent, seeking transfer of divorce petition filed by the respondent-husband before the Joint CJSD, Kalyan, District Thane, to Family Court, Nashik.

2. It is the contention of the applicant that she is residing with her parents and minor daughter aged 1½ years. As of date, she has not filed any proceeding against the husband, whereas the husband, who is working as a manager at HDFC Bank, Badlapur Branch, has filed a divorce proceeding at Kalyan. The said proceeding is at the stage of filing written statement. She submits that it will be difficult for her to travel alongwith her daughter for 3 hours to attend the Court hearing on each date and to go back another 3 hours. So also, she cannot keep her 1½ year old daughter with her parents.

3. Mr. Karande, learned counsel appearing for the respondent-husband, urged before this Court that the husband is ready to pay travelling expenses to the applicant to attend the Court proceedings. The respondent also desires to attempt for mediation to resolve the disputes between them.

4. Supreme Court, in the case of **N.C.V. Aishwarya vs. A.S. Saravana Karthik Sha** reported in **2022 SCC OnLine SC 1199**, has held that in transfer proceeding, convenience of wife is to be taken into consideration. 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 as laid down by the Supreme Court, it is the convenience of the wife, which is to be taken into consideration in all transfer matters. In the present case, the wife is staying with her parents in Nashik along with her 1½ year old daughter. She is unemployed and the husband is working as manager at HDFC Bank at Badlapur Branch. It is the case of the applicant that since last more than one year, after she was forced to leave her matrimonial home, the husband has neither bothered to pay any maintenance/compensation to the applicant-wife nor to the daughter. According to me, a case is made out to allow the present transfer application.

6. Application is accordingly allowed in terms of prayer clause 'A'.

7. The Joint CJSD, Kalyan is hereby directed to transfer the proceeding of Marriage Petition No.1451 of 2024 to Family Court, Nashik, within a period of 4 weeks from today.

8. Since the parties have urged this Court that they shall make an attempt to resolve the issues, if the matter is referred to mediation, the parties are free to contact the mediation office of this Hon'ble Court or of the District Court, Nashik

[RAJESH S. PATIL, J.]