

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 280 OF 2025**

Pallavi Prakash Bhutkar	...	Applicant
vs.		
Prakash Maruti Bhutkar	...	Respondent

Mr. Vikrant Khare a/w. Mr. Siddharth Gharat for applicant.

Mr. K. R. Dubey for respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 20th SEPTEMBER, 2025

P.C. :-

1. Heard learned counsel for both the sides.
2. This is a transfer proceeding filed by wife, seeking to transfer the proceeding filed by her from the Court of CJSD, Panvel to Family Court, Thane.
3. It is submitted that one domestic violence proceeding filed by the applicant-wife is already pending in the Court of JMFC, Thane. It is also submitted that a petition under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights, was filed by the respondent-husband before the Family Court, Thane, which has been recently withdrawn by him on 15.09.2025. It is submitted that the

applicant is aged 54 years and is retired. The respondent-husband is 58 years old and is into business (tax consultant) and also practices as an advocate. There are two daughters borne out of the wedlock of the applicant and the respondent. One of the daughters is staying in USA and another, who is a Chartered Accountant, is staying with the applicant. It is submitted on behalf of the respondent-husband that the younger daughter is Chartered Accountant, is not staying with the applicant. Documents show that the applicant in fact is not staying in Thane and she stays at Karjat. It is submitted that there are various proceedings pending between the parties at Panvel and Karjat.

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 laid down by the Supreme Court in the aforesaid judgment and considering the facts of the present case, according to me, a case is made out for transferring the proceeding.

6. The respondent-husband has tendered 3 volumes of documents running into around 1000 pages. The judgments relied upon by the learned counsel appearing for the respondent are on the issue of proceeding going on between the parties and merits therein. Therefore, according to me, those judgments could not be of any use in a transfer proceeding which is being decided by me.

7. Hence, the application stands allowed in terms of prayer clause (a).

8. As the parties are desirous of referring the matter to mediation due to various disputes between them, by consent of both the parties, the matter is referred for mediation to Hon'ble Mrs. Anuja Prabhudessai, former Judge of this Court.

9. The contact details of the mediator are as follows:

Add: 106, Arcadia Building,
NCPA Marg, Nariman Point,
Mumbai-400021.

Email: desaianuja@yahoo.com

Mob.: 9823855445

10. All parties to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]