

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 298 OF 2025

ANAND
SUDHAKAR
SUDAME

Priyanka Yogesh Gholap

..Applicant

Versus

Yogesh Shantaram Gholap

..Respondent

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ANAND SUDHAKAR
SUDAME

Date: 2025.12.03
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Mr. Vinayak Gadekar (Through VC), Advocate, for the Applicant

Mr. Mukesh Shinde, Advocate, for the Respondent

CORAM : RAJESH S. PATIL, J.

DATE : 02.12.2025

P. C.

1. The transfer proceeding has been filed by the Applicant - wife of the Respondent, seeking transfer of the proceedings filed by the husband from Civil Judge Senior Division, Thane to the Civil Judge Senior Division, Junnar. It is the case of the Applicant that she is staying with her parents along with her 7 years old daughter from the first marriage. Her marriage with the Respondent was her second marriage and there are now marital discord. It is further stated that it is difficult for her to travel 180 Km by public transport to attend the Court proceedings before the Civil Judge Senior Division, Thane.

2. Mr. Shinde, learned Counsel for the Respondent submits that physical presence of the Applicant is not necessary in the divorce

proceeding on all stages and she can attend the Court proceeding through VC mode. The Applicant has already attended few of the hearing physically in the Court of the learned CJSD, Thane and at present, the stage of hearing is “For Arguments On Interim Maintenance”.

3. I have heard learned Counsel for both the sides and have gone through the documents on record.

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 as laid down by the Supreme Court in the case of *N. C. V. Aishwarya* and the facts of the present case where wife is a homemaker and residing at her parental house at Junnar along with her 7 years old daughter. There is no male member in her family who can accompany her to attend the Court proceeding before the learned CJSD, Thane which is around 180 Km from Junnar. According to me, a case is made out to allow the Application.

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

6.1 The proceeding, being the Marriage Petition No. 330 of 2024 pending before the learned CJSD, Thane to the learned CJSD, Junnar within a period of four weeks from today.

6.2 The Respondent is permitted to attend the Court proceeding before the learned CJSD, Junnar through VC mode. However, whenever the learned CJSD, Junnar is of the view that the Respondent will have to attend the Court proceeding physically.

(RAJESH S. PATIL, J.)