

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 319 OF 2025

Preshita Rupesh Butte

..Applicant

ANAND
SUDHAKAR
SUDAME

Versus

Rupesh Prabhakararrao Butte

..Respondent

Ms. Indrayani Patani, Advocate, for the Applicant

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by ANAND
SUDHAKAR
SUDAME

Date: 2025.12.22
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CORAM : RAJESH S. PATIL, J.

DATE : 08.12.2025

P. C.

1. Office remarks show that the Respondent has been duly served.

So also the Respondent has been served with a copy of the MCA by Advocate's service.

2. None appears for the Respondent when the matter is called out.

It seems that the Respondent is not interested in appearing in the present proceeding.

3. Hence, I proceed further with the hearing of this Miscellaneous Civil Application.

4. By the present proceeding, the Applicant who is the wife of the Respondent – husband, is seeking transfer of the Hindu Marriage Petition filed by the Respondent under Section 9 of the Hindu Marriage Act, 1955 (for restitution of conjugal rights) before the learned CJSD,

Hinganghat, District – Wardha to the Family Court, Nashik.

5. It is the case of the Applicant that she is residing at Nashik with her parents and her six years old son. The Marriage Petition is filed by the Respondent in District – Wardha which is around 600 Km away from Nashik. Therefore, it will be inconvenient for her to travel 600 Km to attend the Court proceeding and return back on the same day when she has to take care of her six years old son. It is further case of the Applicant that the Respondent is a teacher in a Government School and has been recently transferred from District – Chandrapur to another District. The details of which are not available with the Applicant, neither the Respondent has informed about any such transfer to the Applicant.

6. 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 deciding 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)

7. Considering the law as laid down by the Supreme Court in the case of ***N. C. V. Aishwarya*** (Supra) and facts of the present proceeding, I am convinced that the present Miscellaneous Civil Application requires to be allowed.

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

7.2 The proceeding, being Hindu Marriage Petition No. 20 of 2025 pending before the learned CJSD, Hinganghat, District – Wardha be transferred to the Family Court, Nashik within a period of four weeks from today.

8. All concerned to act on the authenticated copy of this order.

(RAJESH S. PATIL, J.)