

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 322 OF 2025****NAMRATA SHAILESH PANSARE****..... APPLICANT****VERSUS****SHAILESH SHARAD PANSARE****..... RESPONDENT**

Adv. Advait Joshi a/w. Adv. Purva Kshatriya for the Applicant.

Adv. Prapti V. Mane for the Respondent.

CORAM : RAJESH S. PATIL, J.**DATE : 21 NOVEMBER, 2025****P.C. :-**

1) By this transfer proceedings, the applicant, the wife of the respondent is seeking transfer of the divorce proceedings filed by the respondent-husband before the Civil Judge Senior Division, Vasai to the Civil Judge Senior Division, Pune.

2) It is the case of the applicant that she is residing near the Pune City, at the locality called as Pimprichinchwad alongwith her parents. The respondent-husband was earlier residing at Nallasopara, District Palghar but now shifted to Gujarat. Therefore, even for the respondent, it will be inconvenient to attend the court proceedings at Vasai, District Palghar.

3) Learned advocate appearing for the respondent-husband submits that majority of the witnesses who would be appearing in the divorce proceedings, are the residents of Nallasopara, District Palghar. Few of them are from Mumbai City. She submits that for the witnesses, it will be inconvenient to travel to Pune to lead evidence. Hence, according to her, the proceedings should not be transferred to Pune.

4) I have heard learned advocate for both the sides and I have gone through the documents on record.

5) The Hon'ble Supreme Court in case of ***N.C.V. Aishwarya vs. A.S.Saravana Karthik Sha***, reported in ***2022 SCC OnLine SC 1199*** has held that the convenience of the wife has to be seen for the transfer proceedings. 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)

6) Considering the law laid down by the Hon'ble Supreme Court in case of ***N.C.V. Aishwarya*** (supra) and the facts of the present case, where admittedly the husband is not residing at Vasai and has shifted to Gujrat from November 2024. Therefore, even for the respondent-husband, it will be inconvenient to attend court proceeding which are filed by him and pending before Civil Judge Senior Division, Vasai. The applicant is a resident of Pimprichinchwad. Therefore, she is seeking a transfer of divorce proceeding of Civil Judge Senior Division, Pune.

7) As held by the Supreme Court in case of ***N.C.V. Aishwarya*** (supra), it will be caused to the aggrieved person (in the present case the wife) which has to be considered. Inconvenience of the witnesses cannot be prime factor while deciding the transfer proceeding which in the present case are matrimonial proceeding filed by the parties against each other. Therefore I am convinced that the present Miscellaneous Civil Application needs to be allowed.

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

9) The proceeding of Marriage Petition No. 733 of 2024

pending before the Civil Judge Senior Division, Vasai be transferred within a period of four weeks to the Civil Judge Senior Division, Pune.

10) The hearing of the said proceeding is hereby expedited.

11) If any application is made by the respondent to attend the court proceedings by video conferencing, the same can be considered on its own merits after hearing both the parties.

[RAJESH S. PATIL, J.]