



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 331/2025

Akshata Hanish Parekh
Alias Akshata Lalit Jain Rathod ..APPLICANT
VS
Hanish Kiran Parekh ..RESPONDENT

Adv. Vikrant Khare a/w. Adv. Siddharth Gharat, Adv. Kalyani
Mangave, Adv. Anirudh Rote for applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 15 OCTOBER 2025.

P.C. :

1. On 26 September 2025, following order was passed:-

1. *This is Miscellaneous Civil Application filed by the wife to transfer the Petition pending at the Family Court at Bandra to the Family Court at Alibaug, Raigad.*
2. *Office remarks show that the service report is awaited.*
3. *Insofar as private service is concerned, learned Counsel for the Applicant submits that service is completed and an Affidavit of service to that effect is filed.*
4. *None appears for the Respondent when the matter is called out.*
5. *Stand over to 15.10.2025.*
6. *In the meanwhile, there shall be ad-interim relief in terms of prayer clause (b) till the next date of hearing.*

2. Even today, none appears for the applicant, when the matter is called out for hearing. It seems that the respondent, husband is not interested in pursuing the present proceeding.

This order is corrected pursuant to speaking to minutes of the order dated 17/10/2025.

3. The applicant, wife has filed the proceeding under Section 144 of the BNSS Act, 2023 for seeking maintenance from the husband before the Family Court at Alibaug, Raigad. So also, she has filed proceedings under Section 85 of the Bharatiya Nyaya Sanhita, 2023, before Poynad Police Station, Alibaug. The wife is staying at Alibaug with her parents and she is unemployed. The husband is staying at Goregaon, Mumbai and is a part of jewellery business owned by his family. There is no issue out of the said wedlock. The divorce proceedings are filed by the husband at the Family Court at Bandra, Mumbai. The distance between Alibaug and Bandra is roughly around 104 kms. The travelling time which could be around 3 hours.

4. Considering the law laid down by the Supreme Court in the case of *N.C.V. Aishwarya Versus A.S. Saravana Karthik Sha*, reported in **2022 SCC OnLine SC 1199**, wherein the Supreme Court states that it is the convenience of the wife which has to be taken into consideration while dealing with the transfer proceeding. Paragraph 9 of the said decision 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

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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 in *N.C.V Aishwarya* (supra) and the facts of the present case, I am satisfied that the case is made out to allow the present Misc. Civil Application.

6. The Misc.Civil Application stands allowed in terms of prayer clause (a).

7. The proceedings of Petition No.A-522 of 2025 pending before the Family Court at Bandra be transferred to the Family Court at Alibaug, Raigad and be heard along with Petition No.E-27 of 2025.

8. Both Petitions be tagged together and the same be heard by one and the same Judge only.

9. Both the parties are directed to cooperate with early hearing of both the Petitions and would not take unnecessary adjournments.

10. Misc. Civil Application is disposed of accordingly.

(Rajesh S. Patil, J.)