

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 341 OF 2025

Kavita Sanket Samant

..... Applicant

VERSUS

Sanket Dinesh Samant

..... Respondent

Mr.Amar Gharte a/w Mr.Prashant P. Manohar for the Applicant.

Mr.Aditya Gupta a/w Ms.Prachi Karnik, for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 24 SEPTEMBER, 2025

P.C. :-

1) This Miscellaneous Civil Application has been filed by the Applicant, wife of Respondent.

2) I have heard learned counsel for both sides. It is submitted on behalf of the Applicant-Wife that she is residing at Nashik alongwith her parents and she has filed D.V. Proceedings before JMFC, Nashik. The husband-Respondent, in turn has filed divorce proceedings before Family Court at Belapur. It is further submitted that the distance between Nashik and Belapur is around

174 Kilometers, therefore, it will be difficult for the Applicant-wife to travel to Belapur for attending the court hearings.

3) As far as the Respondent-husband is concerned, it is submitted that he is working as System Administrator in Mumbai. He has to take care of his mother, grand-mother, cousin grand father.

4) 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)

5) Hence, considering the law laid down by the Honb'ble Supreme Court in case of N.C.V. Aishwarya (supra) and The fact that the Applicant-wife has to travel 174 Kilometers to attend the court for hearing at Belapur, which admittedly is at the stage of filing of written statement, I am convinced that a case is made out to allow the present Miscellaneous Civil Application.

- 6) MCA is allowed in terms of prayer clause (a).
- 7) The Family Court at Belapur is directed to transfer the papers and proceedings of Petition No.A-525 of 2024 to Family Court, Nashik, within a period of four weeks from today.

[RAJESH S. PATIL, J.]