

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****MISCELLANEOUS CIVIL APPLICATION NO. 348 OF 2025****Sapna Shaktiman Mengade****..... Applicant****VERSUS****Shaktiman Dattatray Mengade****..... Respondent**

Mr. Samir M. Suryawanshi for the Applicant.

Ms. Komal B. Shah for the Respondent.

CORAM : RAJESH S. PATIL, J.**DATE : 7 OCTOBER, 2025****P.C. :-**

1) This is an application filed by the applicant, wife of the respondent, seeking transfer of the divorce proceedings filed by the husband at Family Court, Bandra, Mumbai to the Rajgurunagar, Pune.

2) It is the case of the applicant that she is staying with her two children, a daughter aged 10 years and a son of 6 years of age. She has filed a D.V. proceedings before the Judicial Magistrate First Class, Ghodegaon, Pune under Domestic Violence Act and she is ready to transfer her proceedings before the Judge who takes up the divorce petition of the husband at District Court Rajgurunagar, Pune.

3) The husband is working in a food chain in Mumbai. It is submitted before me that it is difficult for him to travel from Mumbai to Pune on different dates of hearing in different matters which

includes Section 498 proceedings.

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) Considering the law laid down by the Hon'ble Supreme Court in case of ***N.C.V. Aishwarya*** (supra) and considering the fact that the applicant is staying alone with two minor children at Pune and is ready to transfer her proceedings also to the District Court Rajgurunagar Pune, I am satisfied that the present Miscellaneous Civil

Application requires to be allowed.

6) **Miscellaneous Civil Application is allowed in terms of prayer clause (a).** The said prayer clause (a) reads as under :-

(a) This Hon'ble Court be pleased to transfer the Divorce Petition No. A-1456 of 2024 pending on the file of the Ld. Family Court, Bandra, Mumbai to the Ld. Additional District Court, Rajgurunagar, Pune as the Applicant is residing at Pimpalgaon, Khadaki, Taluka Ambegaon, District Pune and the Applicant herein filed another proceedings before the learned J.M.F.C., Ghodegaon, Pune under the Domestic Violence Act.

7) The proceedings of Petition No. A-1456 of 2024 pending before the Family Court at Bandra, Mumbai be transferred to the Additional District Court, Rajgurunagar, Pune within a period of four weeks from today.

8) The Complaint No. 27 of 2022 pending before the Judicial Magistrate First Class, Ghodegaon, Pune is also transferred to the Additional District Court, Rajgurunagar, Pune, to be heard alongwith divorce petition no. A-1456 of 2022.

9) The Judicial Magistrate First Class, Ghodegaon, Pune is directed to transfer the proceedings of Complaint No. 27 of 2022 within a period of four weeks from today.

[RAJESH S. PATIL, J.]