

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO. 353 OF 2025

**ANAND
SUDHAKAR
SUDAME**

Priyanka Shankar Fadtare

..Applicant

Versus

Shankar Arun Fadtare

..Respondent

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Date: 2025.12.06
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Mr. Vivek V. Salunkhe, Advocate, for the Applicant

Mr. Sujit Upadhyay i/b. Mr. Vishnu Mishra, Advocates, for the
Respondent

Mr. Shankar Arun Fadtare, Respondent is present

CORAM : RAJESH S. PATIL, J.

DATE : 03.12.2025

P. C.

1. Mr. Salunkhe, learned Counsel for the Applicant submits that settlement talks have failed.

2. This transfer Application has been filed by the Applicant who is the wife of the Respondent, seeking transfer of divorce Petition filed by the husband before the Family Court, Belapur, Navi Mumbai to the Family Court, Pune.

3. It is the case of the Applicant – wife that she is working in a private Company whose branch office is at Pune and is also residing in Pune. The Respondent – husband has filed a divorce proceedings in the Family Court, Belapur, Navi Mumbai. It is further case of the Applicant

that she is staying with her parents at Pune as she was forced to leave in her matrimonial home. As she is working lady, it would be difficult for her to attend the Court proceedings at Belapur, Navi Mumbai which is 150 Km away from her residence at Pune. The proceedings filed by the husband seeking dissolution of the marriage under Section 13 of the Hindu Marriage Act, 1955 has been filed recently on 26.11.2024 and summons was received by him only on 11.07.2025. Therefore, the proceeding is at the pre-trial stage. There will be inconvenience to the Respondent – husband, if the proceedings are transferred to the Family Court, Pune, however, it will be inconvenient to the Applicant also to take a leave from her job and to attend the proceeding at Belapur, Navi Mumbai. The Applicant has no objection, if the Respondent is permitted to attend the proceedings through VC mode.

4. Mr. Upadhyay, learned Counsel for the Respondent submitted that the Respondent has spinal issues. Therefore, it would be difficult for him to travel. He further submitted that the Respondent is working with the ICICI Bank in the sales department.

5. I have carefully considered the submissions made on behalf of the Applicant and I have gone through the contents of the Application. The distance between the Family Court, Belapur, Navi Mumbai and Pune City is around 150 Km.

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 considering 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 in the case of *N. C. V. Aishwarya* (Supra) and facts of the present case, I am convinced that the Miscellaneous Civil Application requires to be allowed.

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

8.1 The proceeding, being the Marriage Petition No. 26 of 2025

pending before the Family Court, Belapur, Navi Mumbai be transferred to the Family Court, Pune within a period of four weeks from today.

8.2 The Respondent – husband is permitted to attend the Court proceedings through VC and whenever the learned Judge, Family Court, Pune is of the view that the Respondent – husband should attend the Court physically, he will have to attend the said proceeding physically in Court.

(RAJESH S. PATIL, J.)