

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 373 OF 2025

ANAND
SUDHAKAR
SUDAME

Reshma Amit Ahire

..Applicant

Versus

Amit Maruti Ahire

..Respondent

Digitally signed
by ANAND
SUDHAKAR
SUDAME

Mr. Pratik P Pawar, Advocate, for the Applicant
None for the Respondent

CORAM : RAJESH S. PATIL, J.

Date: 2025.12.18
20:33:19 +0530

DATE : 15.12.2025

P. C.

1. Mr. Pawar, learned Counsel for the Applicant has tendered an Affidavit of service dated 19.12.2025. The said Affidavit of service claims that a packet containing a copy of the MCA was served on the learned Counsel for the Respondent in the family Court proceeding pending before the Family Court, Bandra, Mumbai. However, the said packet has been returned by the Postal Department with remarks “unclaimed”.

2. The Respondent in the present proceeding is staying in Bangladesh. Therefore, the Court notices returned back with remarks “not residing at given address. Now residing at Bangladesh i. e. Dhaka and present address not known”. The Affidavit of service dated

29.10.2025 states that item has been delivered to Ahire on 24.10.2025. It seems that the Respondent – husband is ordinarily residing and working in Bangladesh. The children of the Applicant and the Respondent are also residing in Bangladesh. As per the case of the Applicant, even the Applicant was residing in Bangladesh. However, as there were frequent quarrels between the Applicant and the Respondent, when they return back to India, the Respondent has not taken her back to Bangladesh. Therefore, the Applicant is staying in Nashik along with her widow mother.

3. Considering the Affidavit of service and remarks about service on the Respondent, I am of the opinion that the Respondent though is aware about the present proceeding, he is trying to avoid to come to this Court and participate in the present proceeding. The Respondent has filed a divorce proceeding before the learned Family Court, Bandra, Mumbai. The Respondent, who is working and residing in Bangladesh, has been apprised of the proceeding. The Applicant is seeking transfer of the divorce proceeding filed by the Respondent – husband before the learned Family Court, Bandra, Mumbai to the learned Family Court, Nashik. Since the Respondent is not staying in Mumbai, it will not make any difference to the Respondent, according to me, if the proceeding is transferred to the learned Family Court, Nashik.

However, if the proceeding remain pending before the learned Family Court, Bandra, Mumbai, it will be inconvenient to the Applicant – wife who is staying in Nashik along with her widow mother. The distance between Nashik and Mumbai is around 190 Km. She does not have any male member in her family to accompany her to attend the Court proceeding.

4. 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)

5. Considering the law as laid down by the Supreme Court in the

case of *N. C. V. Aishwarya* (Supra) and facts of the present case, according to me, a case is made out to allow the present MCA.

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

7. The proceeding, being Petition A No. 1177 of 2025 pending before the learned Family Court, Bandra, Mumbai be transferred to the learned Family Court, Nashik within a period of four weeks from today.

8. Learned Counsel for the Applicant is hereby directed to convey the order passed today to **the learned Family Court, Bandra, Mumbai** who is hearing the matrimonial proceedings and file affidavit to that effect within a period of two weeks from today.

9. Similarly, Registrar (Judicial-I) is hereby directed to communicate the order passed today to **the Registrar of the learned Family Court, Bandra, Mumbai by Email**.

(RAJESH S. PATIL, J.)