

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 376 OF 2025****SAKSHI GAURAV VANE****..... APPLICANT****VERSUS****GAURAV ASHOK VANE****.....RESPONDENT**

Adv. Ravi Asabe i/b. Adv. Akshay Bankapur for the Applicant.

Adv. Supriya Jaware Sawant for the Respondent.

CORAM : RAJESH S. PATIL, J.**DATE : 22 DECEMBER, 2025****P.C. :-**

1) Mr. Asabe, learned advocate appearing for the applicant seeks leave of this Court to amend the prayer clause (b) by deleting the words 'or to the court having similar jurisdiction to try and entertain the same'. The said words be deleted.

1.1) Leave as prayed is granted.

1.2) Amendment to be carried out forthwith.

2) By the present transfer proceedings, the applicant, wife of the respondent is seeking transfer of section 9 proceeding filed by the husband at Khamgaon, Buldhana to the Family Court at Nashik.

3) It is the case of the applicant that she is a home-maker

and is staying alongwith her two year old daughter. The husband is working at Khamgaon. The distance between Nashik and Khamgaon is roughly around 400 kms. There is no male member in the family of the applicant who could accompany her to travel with her at Khamgaon to attend the court proceedings and to return back on the same day. Time to travel 400 kms would be around 9 to 10 hours. It will be extremely inconvenient for the applicant to travel 9 – 10 hours to attend the court proceedings and return back on the same day by travelling again 9 – 10 hours from Khamgaon to Nashik. Therefore, the proceeding be transferred to the Family Court at Nashik.

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 the facts of the present case, I am convinced that this Miscellaneous Civil Application requires to be allowed.

6) The present **Miscellaneous Civil Application is allowed** in terms of **amended prayer clause (b)**.

7) The proceeding of Marriage Petition No. 102 of 2025 pending before the Civil Judge Senior Division, Khamgaon at Buldhana be transferred within four weeks to the Family Court at Nashik.

(RAJESH S. PATIL, J.)