

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****MISCELLANEOUS CIVIL APPLICATION NO. 381 OF 2025****Priti Rajabhau Jadhav****..... Applicant****VERSUS****Rajabhau Mridhar Jadhav****..... Respondent**

Mr.D. K. Jain for the Applicant.

Ms. Manuja Pingale i/b. Mr. Manoj S. Pingale for the Respondent.

CORAM : RAJESH S. PATIL, J.**DATE : 8 OCTOBER, 2025****P.C. :-**

1) This transfer petition has been filed by the applicant, wife of the respondent seeking transfer of the divorce proceedings filed by the husband at the Family Court at Nashik to the Civil Judge, Senior Division, Panvel, District Raigad.

2) It is the case of the wife that she is suffering from hyper tension and various other ailments. The husband is residing at Nashik and is Officer with GST Department. The distance between Panvel and Nashik is approximately 170 kms. There is nobody to accompany the applicant to attend the court proceedings at Nashik. It is extremely difficult for the applicant to travel alone for the court proceedings at Nashik and stay overnight to attend the court proceedings. The applicant has also filed an application under Section 125 of the Criminal Procedure Code before the Civil Judge, Senior

Division, Panvel and if the proceedings of divorce are transferred to the Civil Judge, Senior Division, Panvel, both the proceedings can be heard by the one and the same Judge.

3) Ms. Pingale, learned advocate appearing for the respondent submitted that the respondent-husband is ready to pay the travel expenses to the applicant and for the person accompanying her on each day of the hearing and he will also pay for the hotel expenses if the need to stay overnight in Nashik arises. She further submitted that out of marriage between the parties, there are two children, a daughter who is staying in hostel and a son aged 16 years who is staying with the husband. Therefore, it is submitted that the transfer of the petition will not be necessary.

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 there is nobody to accompany the applicant to attend the court proceedings at Nashik which is around 170 kms from where she is residing and so also, she is suffering from various ailments and no person is available in her family to accompany her, I am of the opinion 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) Grant this Misc. Civil Application and the proceeding bearing Marriage Petition No. A-24/2025 pending on the file of Learned Family Court, Nashik be transferred to the learned Civil Judge Senior Division, Panvel, Tq. Panvel, Dist. Raigad and for that purpose issue necessary orders.

7) The proceedings of Marriage Petition No.A-24/2025

pending before the Family Court at Nashik be transferred to the Civil Judge, Senior Division, Panvel within a period of four weeks from today.

8) After the proceedings of Marriage Petition No. A-24/2025 are transferred to the Civil Judge, Senior Division, Panvel, the same be heard alongwith the proceedings filed by the applicant-wife under Section 125 of the Criminal Procedure Code which is pending before the Civil Judge, Senior Division, Panvel being No. 754/2025. Both the petitions be clubbed together and be heard by one and the same Judge at Civil Judge, Senior Division, Panvel

9) Ms. Pingale, learned advocate appearing for the respondent on instructions from her client submits that without prejudice to the rights and contentions of both the parties, the respondent-husband will pay a sum of Rs.10,000/- on or before 10th day of each month till the interim order for maintenance, if any, filed by the applicant-wife for her maintenance is decided by this Court. Such arrangement would continue till the proceedings are disposed off by the Civil Judge, Senior Division, Panvel.

[RAJESH S. PATIL, J.]