

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 392 OF 2025

ANAND
SUDHAKAR
SUDAME

Manisha Sandeep Darade

..Applicant

Versus

Sandeep Baban Darade

..Respondent

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ANAND SUDHAKAR
SUDAME

Date: 2025.11.11
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Mr. Dinesh R. Chaurasiya, Advocate, for the Applicant

Mr. Sameer Patil, Advocate, for the Respondent

CORAM : RAJESH S. PATIL, J.

DATE : 07.11.2025

P. C.

1. The present transfer Application has been filed by the Applicant, who is the wife of the Respondent thereby seeking transfer of a divorce proceedings, being Marriage Petition No. A/943/2023 filed by the Respondent pending before the CJSD, Bandra, Mumbai to the Family Court, Nashik.

2. It is submitted before me that the Applicant – wife has filed Maintenance Petition under Section 125 of the Code of Criminal Procedure, 1973 (“CrPC”) before the Family Court, Nashik. The Applicant is staying with her parents and her son, aged 3 years. The Respondent – husband is staying at Thane. The distance between Bandra, Mumbai and Nashik is around 180 Km.

3. There is nobody in the family, who can accompany the Applicant to attend the proceedings at Bandra, Mumbai.
4. It is submitted on behalf of the Respondent that the Respondent is working as a male nurse and has to attend the patients who cannot manage themselves. The transfer of the proceedings from the CJSD, Bandra, Mumbai to the Family Court, Nashik will be inconvenient for the Respondent.
5. 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 while 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)

6. Considering the law as laid down by the Supreme Court in the case of *N. C. V Aishwarya (Supra)* and considering the fact that the Respondent – husband is attending the proceeding before the Family Court, Nashik, being the proceedings filed under Section 125(1) of the Cr.PC. and the fact that the Applicant is staying in Nashik with her three years old daughter, I am convinced that a case is made out to allow the Application.

7. The Miscellaneous Civil Application stands allowed in terms of **prayer clause (a)**.

8. The proceeding, being Marriage Petition No. A/943/2023 be transferred to the Family Court, Nashik within a period of four weeks from today and be heard by one and the same Judge.

9. The Criminal Application No. E/170/2023 to be tagged along with the Marriage Petition No. A/943/2023. Both the Petitions be heard by one and the same Judge.

10. Both the parties are free to approach the Mediation Centre of the District – Nashik in order to resolve the dispute between them. Once the parties approach the Mediation Centre. The Mediation Centre would appoint a suitable trained Mediator to make an attempt to resolve the dispute between the parties.

(RAJESH S. PATIL, J.)