

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.394 OF 2025

Diptesh Pankaj Jalui ... Applicant

V/s.

Pooja Tapas Manik Alias Pooja Diptesh
Jalui ... Respondent

Mr. Naveen Kumar Sharma, Advocate for the Applicant.

CORAM : RAJESH S. PATIL, J.

DATED : 20th September 2025

P.C.:

1. This transfer petition has been filed by the husband seeking transfer of the DV complaint filed by the wife before Judicial Magistrate First Class, Kurla to be transferred to Family Court at Bandra.
2. It is the case of the husband that Interim Application for maintenance has been filed by the wife which is pending before Family Court at Bandra, in the divorce petition and in the DV proceedings. It is further submitted that the Respondent-Wife is staying in the city of Mumbai with son who is 6 years of age.
3. The Applicant is staying in Hyderabad and is working with Bharat Petroleum. It is submitted that it will be inconvenient for the Applicant-Husband to attend two proceedings in Mumbai.

Therefore, the proceedings be transferred to Family Court at Bandra.

4. Heard Mr. Sharma, counsel appearing for the Applicant in the present proceedings. It is the husband who is seeking transfer of the proceedings. It is not the case of the husband that the proceeding be transferred to the place where he is residing. The husband is residing in Hyderabad and is working in Bharat Petroleum and is not voluntary ready to make any kind of statement that he would, without prejudice to his rights and contentions, atleast for the sake of 6 years old son pay interim maintenance till the interim maintenance application is decided in divorce petition or else in DV proceedings. The wife is staying with her parents and is dependent socially and morally on her parents.

5. Supreme Court in the case of *N.C. V Aishwarya Vs. A. S. Saravana Karthik Sha* reported in *2022 SCC OnLine SC 1199* has held that it is the inconvenience of the wife which has to be looked into. Para 9 of the said Judgement which read 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)

6. The argument made by Mr. Sharma if is considered positively then each and every petition filed by the husband would be required to be allowed. This is a case were the Applicant- Husband is not ready to make any kind of statement without prejudice to pay atleast some maintenance amount towards his son.

7. Considering the law as laid down by the Supreme Court and facts of the present case, I am convinced that there is no merit in the present application and the same requires to be rejected with cost.

8. The Miscellaneous Civil Application is hereby rejected with cost of Rs.25,000/- to be paid to the Respondent- Wife within a period of two weeks from today.

(RAJESH S. PATIL, J.)