

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 430 OF 2025****MRUDULA AJINKYA DANDEKAR****ALIAS MRUDULA APTE****..... APPLICANT****VERSUS****AJINKYA DANDEKAR****.....RESPONDENT**

Adv. Aditya Shinde i/b. Adv. Divya Thorat for the Applicant.

Adv. Deepti B. Mistry for the Respondent.

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

1) By the present transfer proceedings, the applicant, wife of the respondent is seeking transfer of the divorce proceeding filed by the respondent-husband before the Family Court at Thane to the Family Court at Bandra.

2) It is the case of the applicant that she is residing at Dahisar, Mumbai and is working at Andheri, Mumbai. Both the places are in Western Suburb of Mumbai. The respondent is also working in the Western Suburb at Goregaon. Therefore even for the respondent to attend the court proceedings at Family Court at Bandra, which is in

Western Suburb of Mumbai would be convenient.

3) On behalf of the respondent-husband the transfer of proceedings which is sought by the applicant is opposed as the applicant is residing at Dahisar. Travel time between Dahisar to Thane Family Court and travel time between Dahisar to Bandra Family Court would be the same. Therefore, the proceedings should continue at the Family Court, Thane.

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) It has been submitted before me that the proceeding which has been filed by the husband is still at a preliminary stage of counselling. The applicant is residing at Dahisar at Western Suburb, her office is at Andheri, again at Western Suburb and the Family Court at Bandra, Mumbai is again in Western Suburb. Therefore, they submit that it will be convenient for her to attend the proceedings before Bandra Family Court.

6) As far as respondent is concerned, though he is residing at Thane, central suburb, his office is at Goregaon, which is again in Western Suburb. Therefore even for the respondent to attend the court proceedings at Bandra, Western Suburb would always be convenient.

7) 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 the present Miscellaneous Civil Application filed by the applicant requires to be allowed.

8) Hence, **Miscellaneous Civil Application stands allowed** in terms of **prayer clause (b)**.

9) The proceeding of Marriage Petition A No. 469 of 2025 pending before the Family Court Thane is hereby transferred to the Family Court, Bandra within four weeks.

10) Both the parties are permitted to attend the court proceedings through video conferencing before the Family Court, Bandra. However, whenever necessary, as per the directions of the learned Judge taking up the matter, the respondent will have to attend the proceedings in person.

(RAJESH S. PATIL, J.)