

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 434 OF 2025****RUTUJA ABHIJEET JAGTAP****@ C/O. RUTUJA AMARSINGH SURYAVANSHI ..... APPLICANT****VERSUS****ABHIJEET DILIP JAGTAP****..... RESPONDENT**

Adv. Kuldeep Patil a/w. Adv. Sumitkumar Nimbalkar i/b. Adv. Saili dhuru for the Applicant.

Adv. Mayur Salunke for the Respondent.

**CORAM : RAJESH S. PATIL, J.****DATE : 21 NOVEMBER, 2025****P.C. :-**

1) The present transfer proceeding has been filed by the applicant, who is the wife of the respondent, seeking transfer of the divorce proceeding filed by the husband before the Family Court at Pune to the Family Court at Sangli.

2) It is submitted before me by the learned advocate appearing for the applicant that the applicant is a doctor by profession and is residing at Sangli alongwith her parents and three years old son. She has filed a DV proceedings before the Judicial Magistrate First Class at Sangli and immediately thereafter the husband has filed

the divorce proceedings before the Family Court at Pune. The distance between Pune to Sangli is around 225 kms, which takes around 5 hours travel and to attend the court proceedings and return back on the same day, the journey would be around 10 hours. Therefore, it will be inconvenient for the applicant who is a doctor by profession, to attend court proceedings before Pune Family Court.

3) Mr. Mayur Salunkhe, learned advocate appearing for the respondent-husband submits that before the Judicial Magistrate First Class, Sangli, the DV proceedings are pending. The respondent has filed proceeding which proves that the applicant has committed fraud on the respondent and also on the court. He submits that the video conferencing facilities are available before the Pune Family Court and there are no video conferencing facility available before the Family Court, Sangli. He submits that the divorce proceedings are filed only in July 2025 by the respondent-husband after the DV proceedings were filed by the wife. He submits that infact the respondent wants to resolve the dispute and hence, the matter should be referred to the trained mediator.

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 where the applicant is staying with her three years old son and would have to travel five hours to attend the court proceedings and to return back on the same day, she would have to travel again five hours. The proceeding of the divorce has been filed very recently in the month of July 2025. Therefore, the proceedings are in the initial stage and hence I am of the opinion that the proceedings can be transferred from Pune Family Court to the Family Court at Sangli.

6) The **present Miscellaneous Civil Application stands**

**allowed in terms of prayer clause (a).**

7) The proceedings of Petition No. A-1436 of 2025 pending before the 4<sup>th</sup> Family Court, Pune be transferred within a period of four weeks to the Family Court at Sangli.

7.1) The hearing of the same is hereby expedited.

8) Both the learned advocates undertake to this Court that they will not seek unnecessary adjournments and will co-operate with the early hearing of the proceedings.

9) The parties are free to approach the Main Mediation Centre in order to resolve their dispute amicably.

9.1) If such application is moved by the parties, the Secretary of the Mediation Centre to appoint a trained mediator to make an endeavour to resolve the dispute between the parties.

**[RAJESH S. PATIL, J.]**