



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.453/2025

**MRS. PRATIKSHA UTKARSH DOMBE ..APPLICANT
VS
MR. UTKARSH NAVJIVAN DOMBE (HUSBAND) ..RESPONDENT**

Adv. Savina S. Bangera for the applicant.
Adv. Umesh Kurund for respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 15 DECEMBER 2025.

P.C. :

- 1.** Ms. Bangera, learned counsel appearing for the applicant, seeks leave to amend the prayer clause (b) by deleting the words “Civil Judge Senior Division, Belapur, District Thane” to replace with “the Family Court at Belapur, District Thane”.
- 2.** Leave as prayed for is granted. Amendment to be carried out forthwith.
- 3.** By the present transfer proceedings, the applicant, who is the wife of the respondent is seeking transfer of the divorce proceedings filed by the husband in the Civil Judge Senior Division at Barshi to the Family Court at Belapur.

4. It is the case of the applicant that, she is staying at Koparkhairane, Navi Mumbai and she is also working at private organization at Kurla, Mumbai. It is further submitted that the respondent is working at an organization having its office at Ghatkopar, Mumbai and is also residing in Mumbai. Therefore, it will be convenient to both the parties if the proceedings are transferred to the Family Court at Belapur, as none of the parties reside at Barshi, District Solapur.

5. On behalf of the respondent, the transfer proceeding has been opposed on the ground that though the respondent has a working place at Ghatkopar, Mumbai and his native place is at Barshi, District Solapur and he is working in hybrid system where few days he is in Mumbai and few days he is in Barshi.

6. 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)

7. Considering the law as laid down by the Supreme Court in case of ***N.C.V. Aishwarya*** (supra) and the respondent agreeing to the fact that his work place is at Ghatkopar, Mumbai and he is working as hybrid system where few days he is in Mumbai and few days he is in Barshi, Solapur and the applicant being a lady will have to travel all the way to Barshi which is around 450 kms. away from Navi Mumbai to attend Court proceedings if the proceedings is not transferred, and hence, the case is made out to allow the present application.

8. Present Misc. Civil Application is allowed in terms of prayer clause (b).

9. The proceedings of H.M.P No.84/2025 pending before the Civil Judge Senior Division, Barshi, Solapur, be transferred within a period of four weeks from today to the Family Court at Belapur.

10. Learned counsel for the applicant is hereby directed to convey the order passed today to the Civil Judge Senior Division, Barshi and file affidavit to that effect within a period of two weeks from today.

11. Similarly, Registrar (Judicial-I) is hereby directed to

communicate the order passed today to the Registrar of the Civil Judge Senior Division, Barshi, by E-mail.

12. All parties to act on an authenticated copy of this order.

(Rajesh S. Patil, J.)