IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO. 291 OF 2024

Mrs. Swara Sushil Khedekar]
(nee Ms. Shruti Shashikant Dalvi)]
Age: 34 years, Occ: Service,]
Rat: A/3-16, Jai Santoshi Mata CHS,]
Plot No.66, Near Kanaya Nagar,]
Kopri Colony, Thane (E) – 400603] ..... **Applicant**

VERSUS

Mr. Shushil Satish Khedekar]
Age: 38 years, Occ: Business]
R/at: Maishree / Mahalakshmi Nagar,]
Kolekhajan Road, Khed,]
Chiplun, Tal. Chiplun,]
Dist. Ratnagiri – 415605] ..... **Respondent**

SHANTANU SHANKARSA DHUDUM
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Date: 2026.10.03 11:49:32 +0530

Mr. Shantanu Gurav a/w Mr. Shubham Vasekar i/b Adv. Madhur Salkar, for Applicant.

Mr. Someshwar M. Wale a/w Ms. Pooja S. Wale, for the Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATE : 1st OCTOBER, 2026.

ORAL ORDER :-

1. Heard, Mr. Shantanu Gurav, learned Advocate for the Applicant and Mr. Someshwar M. Wale, learned Advocate for the Respondent.

2. By the present Application filed under Section 24 of the Code of Civil Procedure, 1908, the Applicant has sought the following substantial relief:

> *"(a) This Hon'ble Court kindly allow the present Application and transfer the Divorce Petition filed by the Respondent bearing Marriage Petition No.50/2024 from the Court of Hon'ble Additional Civil Judge, Senior Division, Khed to the Hon'ble Family Court, Thane, Maharashtra or the Court of equivalent jurisdiction in Thane, Maharashtra."*

3. The Applicant (wife) has approached this Court seeking transfer of Marriage Petition No. 50 of 2024, filed by the Respondent (husband) before the Court of the Additional Civil Judge, Senior Division, Khed, District Ratnagiri, to the Family Court at Thane, Maharashtra. The Applicant seeks transfer of the proceedings on the ground that she resides in Thane, where her elderly parents also live. Thane is approximately 200 to 250 kilometres from Khed, District Ratnagiri. She has a workplace in Thane.

4. Mr. Shantanu Gurav, learned Advocate for the Applicant, submits that in addition to the aforesaid grounds, the Applicant also seeks transfer of the proceedings on the ground that her matrimonial home is situated at Chembur, Mumbai.

5. Mr. Someshwar M. Wale, learned Advocate for the Respondent, opposes the Application and submits that the Applicant is employed as an

Assistant Manager (Marketing) at the Regional Office of Canara Bank, Thane and draws a substantial salary. He further submits that the Respondent resides in District Ratnagiri and has custody of the minor son, aged six years, born out of wedlock to the Applicant. The Respondent is the sole caregiver of the minor child, who is pursuing his education in District Ratnagiri. He further submits that the Respondent runs a small business in District Ratnagiri, which is his sole source of income for maintaining himself and the minor child. He therefore submits that transferring the proceedings to Thane would cause severe inconvenience and hardship to the Respondent and adversely affect his responsibility to care for the minor son.

6. Mr. Someshwar M. Wale, learned Advocate for the Respondent, further submits that to date, the Applicant has neither visited the minor child nor inquired about his well-being nor applied for visitation rights. He further submits that the Applicant has filed this Application solely to harass and cause anguish to the Respondent. He therefore submits that this Application be dismissed with compensatory costs payable by the Applicant to the Respondent.

7. As the statement made by Mr. Someshwar M. Wale, learned Advocate for the Respondent, that the minor son is with the Respondent, is not disputed by Mr. Shantanu Gurav, learned Advocate for the Applicant, when asked whether the Applicant has sought parenting time with the

minor child or filed any application to that effect, Mr. Shantanu Gurav answered in the negative.

8. Perused the record with the assistance of the learned Advocates for the parties.

9. The Applicant is employed with a reputed bank as an Assistant Manager in Thane. The Respondent has sole care and responsibility for the minor child, who is pursuing his education in District Ratnagiri. The Respondent carries on his business and resides in District Ratnagiri. These facts are not in dispute.

10. Apart from ensuring the child's education, the Respondent's obligation is also to attend to the minor child's other needs/extracurricular activities in Ratnagiri, where the child resides.

11. Thus, considering the collective effect of the aforesaid circumstances, the balance of convenience lies in favour of the Respondent. The inconvenience that would be caused to the Respondent if the proceedings are transferred from Khed, District Ratnagiri, to Thane would be far greater than any inconvenience likely to be caused to the Applicant if the proceedings continue before the Court at Khed.

12. The Hon'ble Supreme Court, in the case of *Kunta Nihasvi @ Gaddam Madhuri v. Kunta Srinivas*[2], observed in paragraph 8.1 as follows:

> *"8.1. At the same time, the aforesaid principle favouring the convenience of the wife should not be understood as laying down an inflexible rule that the wife's request for transfer must invariably be accepted. If the facts of a particular case demonstrate that the balance of convenience lies in favour of the husband and that the proceedings ought to continue in the chosen forum, Courts must exercise caution and refrain from interfering."*

13. In *Anindita Das v. Srijit Das*[1], the Hon'ble Supreme Court has observed in paragraph 3 as follows:

> *"3. Even otherwise, it must be seen that at one stage this Court was showing leniency to ladies. But since then it has been found that a large number of transfer petitions are filed by women taking advantage of the leniency shown by this Court. On an average at least 10 to 15 transfer petitions are on board of each court on each admission day. It is, therefore, clear that leniency of this Court is being misused by the women."*

14. In view of the peculiar facts and circumstances of this case, I am of the view that Marriage Petition No. 50 of 2024 ought to proceed in the forum chosen by the Respondent.

15. No case is made out to entertain this Application. Accordingly, the Transfer Application filed by the Applicant is dismissed. No order as to costs.

16. Interim orders, if any, stand vacated.

17. Upon this order being dictated, Mr. Shantanu Gurav, learned Advocate for the Applicant, submits that video conferencing facilities are available before the Court of the Additional Civil Judge, Senior Division, Khed, District Ratnagiri and that the Applicant will apply to the Court to appear by video conferencing in Marriage Petition No. 50 of 2024. This is a fair statement. Subject to compliance with the video conferencing rules, the Court of the Additional Civil Judge, Senior Division, Khed, District Ratnagiri, to consider the said request of the Applicant.

(ASHWIN D. BHOBE, J.)