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

**MISCELLANEOUS CIVIL APPLICATION NO.44 OF 2025**

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Jayshree Toran Wagh

... Applicant

V/s.

Toran Uttam Wagh

... Respondent

Mr. Rahul D. Motkari with Ms. Manasi Pawar for the applicant.

Mr. Shantanu Raktate with Mr. Saurav Katkar and Mr. Ajinkya Desai for the respondent.

**CORAM : AMIT BORKAR, J.**

**DATED : FEBRUARY 24, 2026**

**P.C.:**

1. The present application is filed by the wife seeking transfer of Marriage Petition No. 560 of 2024 from the Family Court at Nashik to the Court of Civil Judge Senior Division at Shivaji Nagar, Pune. The request is made on the ground that she is presently residing and working at Pune and that frequent travel to Nashik, which is at a distance of about 220 kilometres, causes practical hardship. According to her, regular attendance before the Court at Nashik affects her employment and imposes financial as well as physical difficulty. She further contends that the respondent is capable of managing his affairs and is in a position to travel without inconvenience. On these grounds, she seeks transfer of the proceedings.

2. The respondent has opposed the application by filing affidavit in reply. He disputes the hardship projected by the applicant and submits that he is ready and willing to bear her travel expenses for attending the proceedings at Nashik. He points out that the permanent residence of the applicant is at Nashik, that the marriage was solemnized at Nashik, and that she continues to visit Nashik for personal reasons. According to him, the convenience of the wife alone cannot be treated as decisive. He further submits that the applicant is gainfully employed and earning sufficiently, and therefore she is financially capable of undertaking travel. On this basis, he seeks dismissal of the transfer application.

3. Having considered the rival submissions, the issue which arises is whether the ends of justice require transfer of the matrimonial proceedings. The power to transfer under Section 24 of the Code of Civil Procedure is discretionary and has to be exercised on sound judicial principles. The Court is required to balance the convenience of both parties, the practical difficulties placed on record, and the larger interest of fair adjudication.

4. The applicant has emphasized the distance between Pune and Nashik and the difficulty in attending proceedings while being employed. The Court cannot ignore that matrimonial litigation ordinarily requires repeated appearances and that regular travel over long distances may cause inconvenience, particularly when one party is working. At the same time, mere inconvenience by itself is not sufficient. The Court must assess whether the hardship shown is genuine and substantial so as to justify transfer.

5. The respondent's contention that the applicant's permanent address is at Nashik and that the marriage took place there is a relevant circumstance, but it cannot by itself conclude the issue. Matrimonial disputes often arise after parties begin residing separately, and the place where the marriage was performed does not necessarily determine the convenient forum for future litigation. Equally, the submission that the respondent is willing to bear travel expenses shows a reasonable approach, yet financial reimbursement alone does not remove the practical strain of repeated travel, particularly when the party is employed and required to balance work obligations with court attendance.

6. The respondent has also argued that the applicant is earning and therefore capable of travelling on her own. Economic capacity is indeed one of the factors to be considered. However, the assessment does not end with income alone. The Court must consider overall circumstances including employment commitments, frequency of hearings, and the comparative hardship likely to be faced by each side. In matrimonial matters, the Court is also guided by settled principles that the convenience of the wife ordinarily deserves greater weight, keeping in view the social realities and practical difficulties often faced by women in litigation. This principle does not operate as an absolute rule, but it remains an important consideration while balancing equities.

7. The judgment of the Supreme Court in *N.C.V. Aishwarya v. A.S. Saravana Karthik Sha* 2022 SCC OnLine SC 1199 makes it clear that while deciding transfer petitions in matrimonial disputes, the Court must examine the economic condition of

parties, their social circumstances, and the practical realities in pursuing litigation. The Supreme Court has observed that, in the prevailing socio economic context, the wife's convenience normally requires greater consideration. The same decision also emphasizes that transfer should be ordered where it advances the ends of justice and prevents unnecessary hardship.

8. Applying these principles to the present case, the Court finds that the applicant is working at Pune and would be required to undertake frequent travel of considerable distance to attend proceedings at Nashik. Such travel is not occasional but recurring and forms part of the litigation process. The respondent, on the other hand, has not demonstrated any comparable hardship that would be caused to him if the proceedings are transferred to Pune. His willingness to bear expenses shows that travel is manageable from his side. When comparative inconvenience is assessed, the balance tilts in favour of the applicant.

9. The contention that the applicant visits Nashik for personal reasons does not materially alter the situation. Personal visits are occasional and voluntary, whereas attendance before Court is compulsory and recurring. The Court must consider litigation burden, not occasional travel. Similarly, the argument that the applicant is financially sound does not outweigh the practical difficulty arising from distance and employment obligations.

10. In view of the above discussion, this Court is satisfied that transfer of the proceedings would better serve the ends of justice. The applicant has established reasonable grounds showing that

continuation of proceedings at Nashik would cause disproportionate inconvenience to her, whereas no serious prejudice would be caused to the respondent if the matter is transferred. The balance of convenience, the comparative hardship, and the principles laid down by the Supreme Court all support the grant of transfer.

**11.** At this stage, learned Advocate appearing for the husband submitted that the wife is gainfully employed and earning a substantial income. On that basis, it was argued that if the proceedings are transferred to Pune, the husband would be required to travel from Nashik to Pune on each date of hearing and would incur expenses towards travel and stay. It was therefore requested that appropriate directions be issued requiring the wife to bear or contribute towards such expenses.

**12.** The submission has been considered. While dealing with a transfer application in matrimonial proceedings, the Court is primarily concerned with balancing convenience and ensuring that access to justice is not made difficult for either party. The object of transfer is not to impose a financial burden on one spouse as a condition for granting relief, but to see whether the proceedings can be conducted in a manner that causes minimum hardship and allows effective participation by both sides.

**13.** It is true that the wife is stated to be employed and earning. However, the mere fact that one party is earning cannot automatically lead to a direction compelling payment of travel charges to the other side. Such a direction can be made only when

there are clear circumstances showing real financial difficulty or inability on the part of the other spouse to attend the proceedings. In the present case, except a general submission that the husband would have to travel to Pune, no specific material has been placed on record to show that he is financially incapable of attending the proceedings or that the travel would result in undue hardship.

**14.** Further, once the Court comes to the conclusion that transfer is necessary in the interest of justice, incidental inconvenience to the other party is unavoidable to some extent. Matrimonial litigation often requires one party to travel, and such inconvenience by itself cannot become a ground to impose compensatory costs at the threshold. The Court must also keep in mind that directing one spouse to pay travel charges to the other at this stage may unnecessarily complicate the proceedings and create further disputes regarding quantum, frequency, and compliance. In view of these reasons, the request made on behalf of the husband for directing the wife to pay charges for his visits to Pune does not merit acceptance.

**15.** Accordingly, the application deserves to be allowed. Marriage Petition No. 560 of 2024 pending before the Family Court at Nashik is directed to be transferred to the Court of Civil Judge Senior Division, Shivaji Nagar, Pune, for disposal in accordance with law.

**(AMIT BORKAR, J.)**