

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 66 OF 2025

Sushma Suresh Kamble

...Applicant

Versus

Suresh Tillu Kamble

...Respondent

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Ms. Neha R. Parte *i/b Yuwraj Patil, for Applicant.*
Mr. Santosh Maske, *for Respondent.*

CORAM : RAJESH S. PATIL, J.

Date : 27th January, 2026

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1. The office remark indicates that the mediation has failed. In the office report, the Learned Mediator has stated that the Respondent has no objection if the Divorce Petition is transferred from Ratnagiri to Mumbai.

2. By the present Transfer Application, the Applicant, who is the wife of the Respondent, seeks transfer of the Respondent's Divorce Petition from the Court of the Civil Judge, Senior Division, Ratnagiri to the Family Court at Thane. It is the case of the Applicant that she is residing at Thane and, to attend the proceedings at Ratnagiri, she would be required to travel approximately 300 kilometres. Therefore, it would

be difficult for her to travel to Ratnagiri to attend the Court proceedings and return on the same day. The Applicant is residing at her maternal uncle's house in a chawl at Thane and is working as a "Care Taker" at Thane. The Respondent has taken Voluntary Retirement Scheme (VRS) from the Municipal Corporation of Greater Mumbai and is receiving pension. Therefore, it would not be difficult for him to attend the Court proceedings if the same are transferred to Thane. The Applicant has also filed proceedings under Section 125 of the Criminal Procedure Code, 1963 before the Judicial Magistrate First Class, Thane, as the Respondent failed to pay the arrears of maintenance. According to the Applicant, the arrears of maintenance as on date are Rs. 5 lakhs. The proceedings before the Ratnagiri Court are being conducted in the absence of the Applicant. Hence, the said proceedings are required to be transferred to the Family Court at Thane.

3. On behalf of the Respondent, it is submitted that since the proceedings have reached the stage of evidence, the same ought not to be transferred at this stage and that the Applicant can attend the proceedings through video conferencing.

4. Considering the law laid down by the Hon'ble Supreme Court in the case of *N.C.V. Aishwarya vs. Saravana Karthik Sha*¹, and having regard to the facts and circumstances of the present case, a case is made out to allow the Miscellaneous Civil Application.

5. The Miscellaneous Civil Application is allowed in terms of prayer clause (b).

6. The proceedings in Marriage Petition No. 181 of 2024 pending before the Civil Judge, Senior Division, Ratnagiri shall be transferred within four weeks to the Family Court at Thane.

7. The Advocate for the Applicant is permitted to communicate this order to the Civil Judge, Senior Division, Ratnagiri. The Registrar (Judicial-I) shall also communicate this order to the Civil Judge, Senior Division, Ratnagiri by email.

8. The Miscellaneous Civil Application is *disposed of* in the aforesaid terms.

[RAJESH S. PATIL, J.]

¹ 2022 SCC OnLine SC 1199