



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

MISC. CIVIL APPLICATION NO. 73/2025

**MRS SUJATA SHREYA DIPESH KUTE ..APPLICANT
VS
DIPESH DASHRATH KUTE ..RESPONDENT**

Adv. Sejal A. Hariyan i/b. Adv. Padmanabh D. Pise for applicant.

Adv. Poonam Pal i/b. Adv. Sachin Hande for respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 30 APRIL 2026.

P.C. :

1) Learned counsel appearing for both the parties submit that the mediation between the parties have failed.

2) This transfer application is filed by the applicant, who is the wife of the respondent seeking transfer of the divorce proceeding filed by the respondent – husband before the C.J.S.D., Pune to the C.J.S.D., Panvel, Navi Mumbai. The respondent is not paying any maintenance to the applicant – wife. The applicant – wife has already filed a Petition u/s. 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights. She has filed D.V. proceedings before the J.M.F.C., Khalapur in the year 2023 and thereafter, the present divorce proceeding has been filed with an ulterior motive before the C.J.S.D.,

Pune in order to harass the Applicant – wife. The applicant-wife is staying along with her parents. The distance between Pune and Panvel is around 120 kms. There is no male member in the family of the applicant who could accompany her to attend the court proceedings at Pune and return back on the same day.

3) The Supreme Court in the case of *N.C.V Aishwarya Versus A.S. Saravana Karthik Sha*, reported in *2022 SCC OnLine SC 1199*, wherein the Supreme Court states that it is the convenience of the wife which has to be taken into consideration while dealing with the transfer proceeding. Paragraph 9 of the said decision 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)

4) Considering the law as laid down by the Supreme Court in the case of *N.C.V Aishwarya* (supra), and the facts of the present case, I am convinced that the present MCA requires to be allowed. The MCA

stands **allowed** in terms of prayer clause (b).

5) The proceedings of Marriage Petition No.556/2023, pending before the C.J.S.D., Pune, be transferred within a period of four weeks from today be transferred to the C.J.S.D., Panvel, Navi Mumbai.

6) Learned counsel for the applicant is hereby permitted to convey the order passed today to the C.J.S.D., Pune.

7) Similarly, **Registrar (Judicial-I)** is hereby directed to communicate the order passed today to the Registrar of the C.J.S.D., Pune, by E-mail.

(Rajesh S. Patil, J.)