

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 179/2024

SUARNALATA PARESH SHINDE

..... APPLICANT

VS

PARESH SADASHIV SHINDE

..... RESPONDENT

Adv. Anjali S. Shinde i/b. Adv. Nitin P. Deshpande for the Applicant.

Adv. Prabhanjan Gujar for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 30 JANUARY, 2026

P.C. :-

1) By the present transfer proceedings, the applicant, the wife of the respondent is seeking transfer of the divorce proceedings pending before the Civil Judge Senior Division, Wai, Satara to the Civil Judge Senior Division, Baramati, District Pune.

2) It is the case of the applicant that she is residing at Village Supa, Taluka Baramati and her D.V. proceedings were heard and decided by the Judicial Magistrate First Class, Baramati. Similarly, her maintenance application under Section 125 of Criminal Procedure Code is pending before the Judicial Magistrate First Class at Baramati. The distance between Village Supa and Wai, District Satara is around

80 kms. She is staying with her parents at Khaire Padal, Supa, Baramati, District Pune. This is a small vasti 3 kms away from Supa. It is attached to Kal Khaire Wadi Gram Panchayat. Her village is 1 km inside State Road namely Choufula – Morgaon. It is very difficult to get public transport for her to reach Baramati. From Baramati she takes another bus that takes her to Nira. Then she takes a third bus, which takes her to Lonand. At Lonand, she takes fourth bus, which takes her to Khandala, from where, the fifth bus takes her to Wai if she is lucky to get a direct bus. Otherwise, she is required to take the fifth bus which takes her to Surur. From Surur, she is required take the sixth bus that takes her to Wai. After the court proceedings are attended, she has to repeat the entire ordeal in the reverse direction and by the time she reaches her village, it is almost midnight.

3) Learned advocate appearing for the respondent has pointed out by way of reply that the respondent has opposed this application. In reply, he has denied the contentions raised by the applicant and has submitted that there are direct buses from village Supa to Wai and Maharashtra State Road Corporation is charging half fair for the lady passenger.

4) The Hon'ble 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)

5) Considering the law laid down by the Hon'ble Supreme Court in case of *N.C.V. Aishwarya* (supra) and the facts of the present case, I am convinced that the present Miscellaneous Civil Application requires to be allowed.

6) The present **Miscellaneous Civil Application stands allowed in terms of prayer clause (A).**

7) The proceedings of Marriage Petition No. 217 of 2023 pending before the Civil Judge Senior Division, Wai be transferred within a period of four weeks to the Civil Judge Senior Division

Baramati, District Pune.

8) The applicant is permitted to inform the order passed today to the Civil Judge Senior Division, Wai, Satara.

9) Similarly, **Registrar (Judicial-I)** is hereby directed to communicate the order passed today to the **Registrar of the Civil Judge Senior Division, Wai, Satara by E-mail.**

(RAJESH S. PATIL, J.)