

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 318/2026****IN****MISCELLANEOUS CIVIL APPLICATION NO. 480/2024****ALONGWITH****MISCELLANEOUS CIVIL APPLICATION NO. 480/2024****MADHAVI MALHAR MANE****.... APPLICANT****VS****MALHAR APPASAHEB MANE****..... RESPONDENT**

Adv. Vikrant Shinde a/w. Adv. Pooja Dongre for the Applicant.

Adv. Tejas Shetty for the Respondent.

CORAM : RAJESH S. PATIL, J.**DATE : 17 MARCH, 2026****P.C. :-****INTERIM APPLICATION NO. 318/2026**

1) This interim application is filed for restoration of the miscellaneous civil application by the applicant-wife of the respondent which was dismissed for want of prosecution.

2) I have heard learned advocates for the parties and I have gone through the contents of the interim application.

3) I am satisfied that a case is made out to allow this interim application.

- 4) Interim application is **allowed** in terms of **prayer clause (B)**.

MISCELLANEOUS CIVIL APPLICATION NO. 480/2024

5) By the present transfer application, the applicant-wife of the respondent is seeking transfer of the divorce proceedings filed by the husband before the Civil Judge Senior Division, Panvel to the Family Court at Pune.

6) A bare reading of the copy of the divorce proceedings filed by the husband at Pune which is annexed at page no.68 shows that in the cause title, the respondent is residing at Pune and he has filed divorce proceedings at Panvel.

7) In my view, since the applicant-wife is staying at Pune, so also, the husband is staying at Pune, the divorce proceeding filed by the respondent-husband at Civil Judge Senior Division, Panvel can be transferred to the Family Court at Pune.

8) 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)

9) 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, the present miscellaneous civil application stands **allowed** in terms of **prayer clause (b)**.

10) The proceedings of Hindu Marriage Petition No. 464 of 2023 pending before the Civil Judge Senior Division, Panvel be transferred to the Family Court at Pune within a period of four weeks from today.

11) Learned counsel for the applicant is hereby directed to convey the order passed today to the Civil Judge Senior Division, Panvel who is hearing the proceedings.

12) Similarly, **Registrar (Judicial-I)** is hereby directed to

communicate the order passed today to the Registrar of the **Civil Judge Senior Division, Panvel, District Raigad** by E-mail.

[RAJESH S. PATIL, J.]