



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

MISC. CIVIL APPLICATION NO. 11/2026

**SOU SONALI SURAJ SURWASE
VS
SHRI. SURAJ ARJUN SURWASE**

None for the applicant.

Adv. Ankur Pahade for respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 21 JANUARY 2026.

P.C. :

1) By the present transfer application, the applicant-wife of the respondent is seeking transfer of Section 9 proceedings filed by the respondent-husband pending before the Family Court at Solapur to the Family Court at Pune.

2) It is the case of the applicant that she is staying at Pune along with her five years old son. The distance between Solapur and Pune is 205 kms. and time taken to travel to attend Court proceedings at Solapur would be around 5 hours. It will be difficult for her to travel for 5 hours and come back on the same day. So also, the facts remains that she has to take care of her mother and her son. Considering his past record, she also has an apprehension that the

respondent will physically harm her, if she travels to Solapur.

3) I have heard learned counsel for the respondents. I have also gone through the documents on record.

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 going through the facts of the present case where the applicant is staying with her five years old son

at Pune, 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.A/143/2024 pending before the Family Court at Solapur be transferred to the Family Court at Pune, within a period of four weeks from today.

8) Learned counsel for the applicant is hereby directed to convey the order passed today to the concerned Court and file affidavit to that effect within a period of two weeks from today.

9) Similarly, Registrar (Judicial-I) is hereby directed to communicate the order passed today to the Registrar of the concerned Court by E-mail.

10) Misc. Civil Application stands disposed of accordingly.

(Rajesh S. Patil, J.)