

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 175 OF 2025

ANAND
SUDHAKAR
SUDAME

Ashwini Shetty

..Applicant

Versus

Ashok H. Shetty

..Respondent

Digitally signed
by ANAND
SUDHAKAR
SUDAME

Mr. Mankirat Singh Chhabra, Advocate, for the Applicant
None for the Respondent

CORAM : RAJESH S. PATIL, J.

Date: 2026.01.17
18:38:07 +0530

DATE : 14.01.2026

P. C.

1. Office remarks show that the Respondent has been duly served.
So also learned Counsel for the Applicant has filed an Affidavit of service stating therein the Respondent has been served by Speed Post.
2. None appears for the Respondent when the matter is called out.
It seems that the Respondent is not interested in appearing in the present proceeding. Hence, I have proceeded further with the hearing of the proceeding.
3. By the present transfer Application, the Applicant, wife of the Respondent is seeking transfer of the divorce proceeding filed by the Applicant herself before the learned Family Court, Pune to the learned Family Court, Bandra, Mumbai.
4. It is the case of the Applicant that as earlier she was residing in

Pune, she had filed divorce proceeding before the learned Family Court, Pune. After the proceeding was filed, they have opted for mediation and before the mediation centre, parties were ready to take divorce by mutual consent. Accordingly, the Consent Terms were filed on 15.01.2022. However, after signing the Consent Terms, the Respondent has sought adjournments on three occasions and thereafter, he informed the Court that he is withdrawing the Consent Terms. Hence, the divorce proceeding proceeded further to be heard on merits. Thereafter, the Applicant has got job opportunity in Mumbai. Accepting the opportunity, she was shifted to Mumbai.

5. As the Applicant has changed her residence from Pune to Mumbai, she has sought transfer of her own divorce proceeding from Pune to Mumbai.

6. The Supreme Court in the case of ***N. C. V. Aishwarya vs. A. S. Sarvana Karthik Sha***, reported in ***2022 SCC OnLine SC 1199*** has held that while deciding transfer proceedings, convenience of the wife has to be taken into consideration. Paragraph 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 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)

7. Considering the law as laid down by the Supreme Court in the case of *N. C. V Aishwarya* (Supra), the fact that the Respondent has chose not to appear in the present proceeding and considering facts of the present case, I am convinced that the MCA requires to be allowed.

8. The Miscellaneous Civil Application **stands allowed in terms of prayer clause (a).**

8.1 Since both the parties are working individual, they are permitted to attend the Court through VC mode. However, whenever necessary, as per the directions of the learned Judge taking up the matter, the parties will have to attend the proceedings in person.

8.2 The proceeding, being the Divorce Petition P. A. No. 1990 of 2021 pending before the learned Family Court, Pune be transferred to the learned Family Court, Bandra, Mumbai within a period of four weeks from today.

(RAJESH S. PATIL, J.)