



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

MISC. CIVIL APPLICATION NO.201/2025

**SONU SUKHRAM PRAJAPATI
VS
SUKHRAM JAGDISH PRAJAPATI**

Adv. Amol B. Jagtap for applicant.
None for respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 13 JANUARY 2026.

P.C. :

1) By the present proceedings, the applicant who is wife of the respondent is seeking transfer of husband's divorce proceedings filed before the Family Court at Bandra, Mumbai to the Family Court at Pune.

2) It is the applicant's case that she has to take care of her minor child and also about his school and extracurricular activities in Pune. There is no one to accompany her for attending the Court proceedings. So also, there is a fear in her mind that if she visits Mumbai, the respondent would physically harm her.

3) By an order dated 3 October 2025, notices were issued to the respondent. The Bailiff report shows that the door of the residence of

the respondent is found lock as he had gone to his native place. Hence, fresh notices were issued to the respondents. On 13 October 2025, the Bailiff had again been to serve the respondent when he was informed that the respondent is not residing at the given address and the premises was found lock. As regards advocate's private notice, an affidavit of service dated 6 December 2025 has been filed which states that the notice addressed to the respondent by post is returned back with postal remark 'Unclaimed'.

4) Mr. Jagtap, learned counsel appearing for the applicant submits that he attempted to serve the advocate for the respondent who is appearing before the Family Court at Bandra, Mumbai. He submits that the said advocate refused to accept the service of present Misc. Civil Application. Mr. Jagtap also submits that the respondent is not paying maintenance to the applicant-wife and to their son.

5) Considering the facts as stated in the above paragraphs, it seems that the respondent is avoiding to attend the present proceedings before this Court.

6) 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)

7) Considering the facts of the present proceedings where the applicant-wife of the respondent is staying with their son aged five years at Pune and the distance between Pune and Mumbai is around 160 kms and considering the law laid down by the Hon'ble Supreme Court in case of *N.C.V Aishwarya* (supra), I am convinced that the present Miscellaneous Civil Application requires to be allowed.

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

9) The proceedings of Marriage Petition No.A/2307/2024 pending before the Family Court at Bandra, Mumbai, be transferred

to the Family Court at Pune, within a period of four weeks from today.

10) 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.

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

(Rajesh S. Patil, J.)