

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 265 OF 2025

ANAND  
SUDHAKAR  
SUDAME

Shraddha Amar Gosavi

..Applicant

Versus

Amar Khushalgiri Gosavi

..Respondent

Digitally signed  
by ANAND  
SUDHAKAR  
SUDAME

Mr. Amey Deshpande a/w. Ms. Vandana Bait & Mr. Harsh Nishar,  
Advocates, for the Applicant  
None for the Respondent

Date: 2026.03.04  
21:21:43 +0530

**CORAM : RAJESH S. PATIL, J.**

**DATE : 25.02.2026**

**P C.**

1. Office remarks show that "*the Respondent refused to accept the notice and did not allow it to be pasted on the house*".
2. Mr. Deshpande, learned Counsel for the Applicant has filed an Affidavit of service to prove that the Respondent has been duly served.
3. None appears for the Respondent though served.
4. It appears that the Respondent has no interest in appearing in the present proceeding.
5. Hence, I have proceeded further with the hearing of the proceeding.
6. The Applicant is the wife of the Respondent, who has filed the present transfer Application seeking transfer of the divorce proceeding

filed by the Respondent – husband before the Family Court, Pune to the Family Court, Nashik.

7. It is the case of the Applicant – wife that earlier, divorce proceeding was filed by the Respondent – husband before the Family Court, Pune (1<sup>st</sup> divorce proceeding). Pursuant to the Misc. Civil Application filed by the Applicant – wife, the said proceeding was transferred by an Order dated 23.08.2013 passed by this Court (Coram : Mrs. Roshan Dalvi, J.) in M.C.A. No. 95 of 2013, from the Family Court, Bandra, Mumbai to the Family Court, Nashik. After the proceeding was transferred to the Family Court, Nashik, the same was decided and the divorce proceeding filed by the husband was dismissed and the Application filed for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955 by the Applicant – wife was allowed.

7.1 Immediately, thereafter the Respondent – husband filed a divorce proceeding before the Family Court, Nashik (2<sup>nd</sup> divorce proceeding). In the said divorce proceeding, by an Order dated 03.01.2024, the Family Court, Nashik held that the Petitioner claims the marriage is a nullity, however, as this ground is not legally available, the Petition is not tenable.

7.2 Thereafter, the Petitioner filed an Application under Section 9 of the Hindu Marriage Act, 1955 before the Family Court, Pune. Hence, the Applicant filed the present transfer proceeding seeking transfer of the Application filed under Section 9 of the Hindu Marriage Act, 1955 from the Family Court, Pune to the Family Court, Nashik. Immediately, on receiving notice of transfer Application, the Respondent – husband withdrew the Application filed under Section 9 of the Hindu Marriage Act, 1955 before the Family Court, Pune and filed a fresh proceeding seeking divorce before the Family Court, Pune (3<sup>rd</sup> divorce proceeding). The Applicant after getting knowledge of the said proceeding sought amendment to the present Misc. Civil Application seeking transfer of the 3<sup>rd</sup> divorce proceeding from the Family Court, Pune to the Family Court, Nashik.

7.3 It is the case of the Applicant that she has no source of income and she is residing at her parents house. The distance between Nashik and Pune is around 280 Km.. Therefore, it will take around six hours to travel from Pune to Nashik. It will be difficult for the Applicant to travel from Pune to attend the Court proceeding at Nashik and return back on the same day. Initiating repeated proceedings by husband, is nothing but harassment of the Applicant. Therefore, she is seeking 3<sup>rd</sup> divorce proceeding filed by the Respondent – husband to be

transferred to the Family Court, Nashik.

8. 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)

9. Considering the law as laid down by the Supreme Court in the case of ***N. C. V. Aishwarya (Supra)*** and facts of the present case, where there is not one but at least three divorce proceedings filed by the Respondent – husband and one Section 9 proceeding, I am of the view that this is nothing but harassment of the Applicant. Although duly served, the Respondent chose not to appear in the present proceedings.

Hence, this Misc. Civil Application requires to be allowed.

10. The Misc. Civil Application **stands allowed in terms of prayer clause (a).**

11. The proceeding, being the Hindu Marriage Petition No. A-1663 of 2025 pending before the Family Court, Pune be transferred to the Family Court, Nashik. Further, costs of Rs.50,000/- is imposed upon the Respondent, to be paid to the Applicant-wife for harassment caused to her, within four weeks from today. Learned Counsel for the Applicant – wife is at liberty to furnish a copy of the today's Order to the Respondent and learned Counsel for the Respondent in trial Court.

12. Registrar (Judicial – I) is hereby directed to communicate the order passed today to the Registrar of the Family Court, Pune by E-mail.

13. All concerned to act on the authenticated copy of this Order.

**(RAJESH S. PATIL, J.)**