

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 309 OF 2025

ANAND
SUDHAKAR
SUDAME

Priyanka Dawane alias Priyanka Tausif Pathan

..Applicant

Versus

Tausif Baba Pathan

..Respondent

Mr. Amol B. Jagtap, Advocate, for the Applicant

CORAM : RAJESH S. PATIL, J.

DATE : 17.01.2026

Digitally signed
by ANAND
SUDHAKAR
SUDAME

Date: 2026.01.20
17:58:02 +0530

P. C.

1. On 21.11.2025, the following order was passed in the present proceeding which reads as under :-

“1) By the present transfer proceeding the applicant is seeking transfer of the divorce petition filed by the respondent-husband before the Family Court, Pune to the Family Court at Thane.

2) It is submitted before me that the applicant is staying at Thane alongwith her 8 years old daughter. It is further submitted that interim maintenance application filed in the divorce proceeding is pending for hearing.

3) It is further submitted that it will be inconvenient for the applicant to attend the court proceedings at Pune which is around 160 kms from her residence at Thane.

4) Though, there is an affidavit of service filed by the applicant to prove that the respondent has been duly served, court remark shows that the service report is awaited.

5) In order to give one more chance to the respondent to attend the court proceedings, an adjournment is granted today.

6) *Stand over to 8 December, 2025.*

7) *In the meantime, ad-interim relief which was granted on the earlier occasion, stands extended till further orders.*

8) *The applicant is permitted to once again serve a notice upon the respondent alongwith copy of this order and file affidavit of service.”*

2. Pursuant to the directions issued by this Court, the Applicant herself has made an attempt to serve a copy of the MCA on the Respondent. An Affidavit of service dated 16.01.2026 has been tendered by the Applicant which states that the Respondent has refused service of the packet containing a copy of the MCA.

3. Having perused the Affidavit of service dated 16.01.2026 and considering earlier Affidavit of service filed by the Applicant, I am convinced that the Respondent is avoiding service of the MCA.

4. 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)

5. Considering facts of the present case, wherein the Applicant - wife is staying at Thane along with her minor daughter. She has filed an Interim Maintenance Application which is pending for hearing. The distance between Pune and Thane is around 160 Km and also considering the law as laid down by the Supreme Court in the case of ***N. C. V. Aishwarya*** (Supra), I am convinced that this MCA requires to be allowed.

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

7. The proceeding, being PA No. 1111 of 2022 pending before the Family Court, Pune be transferred to the Family Court, Thane within a period of four weeks from today.

8. The Interim Maintenance Application pending in the divorce proceeding be heard expeditiously by the Family Court, Thane after the divorce proceedings are transferred to it.

(RAJESH S. PATIL, J.)