

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 343 OF 2025

Prachi Rohan Ghuge

..Applicant

Versus

ANAND
SUDHAKAR
SUDAME

Rohan Manoj Ghuge

..Respondent

Ms. Tasmiya Khan i/b. Mr. Saif Mobhani, Advocates, for the Applicant

CORAM : RAJESH S. PATIL, J.

DATE : 22.12.2025

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1. Ms. Khan, learned Counsel for the Applicant submits that by an Affidavit of service dated 10.11.2025, it has been proved that the Respondent has been served via speed post and email.

1.1 She further submits that though office remarks show that service could not be effected on the Respondent due to Respondent having changed his residence to Beed. However, the Family Court, Pune's roznamas dated 28.10.2025 and 28.11.2025 show that the Respondent and his Advocate were present at the date of hearing, where in Writ of this Court granting ad-interim relief order in transfer proceeding has been duly mentioned. Therefore, it proves that though served, the Respondent is avoiding to attend the Court proceeding.

1.2 She further showed me the impugned Order dated 15.07.2025 passed below Exh. 4 in Cri. B. A. No. 1014 of 2025 by the learned Additional Sessions Judge – 2, Vasai. The third line of para 2 of the aforesaid order reads as under :-

“ It is informed by the I. O. that the accused had accompanied one influential person with them who threatened the I. O. and not allowed him to make the necessary investigation. Even a note of the conduct of said influential person has been taken in the station diary of the police station. I. O. showed the copy of the station diary. It goes to show that accused have no regards of the condition of the order of bail and they shall not co-operate in investigation.”

1.3 What has been recorded by me in the earlier paras, proves that the Respondent is an influential person and is trying to avoid to attend the present Court proceeding. Hence, I have no other option but to proceed further with the hearing of the MCA.

2. By the present transfer proceeding, the Applicant – wife of the Respondent is seeking transfer of the divorce proceeding filed by the Respondent – husband before the learned Family Court, Pune to the learned CJSD, Vasai, District – Palghar.

3. It is the case of the Applicant that the Respondent is a businessman and an influential person. He is not paying any amount towards maintenance to the Applicant – wife, after both of them have started staying separately. The Applicant is entirely dependent upon her

parents, monetarily and emotionally. The proceeding filed by the Respondent – husband before the learned Family Court, Pune which is around 200 Km away from Virar. There is no male member in the family who could accompany her to attend the Court proceeding before the learned Family Court, Pune and return back on the same day. There is also fear that she will be harmed physically by the Respondent who has an influential contacts.

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 the law as laid down by the Supreme Court in the case of *N. C. V. Aishwarya* (Supra) and facts of the present case, according to me, a case is made out to allow the MCA.
6. The Miscellaneous Civil Application **stands allowed** in terms of **prayer clause (a)**.
7. The proceeding, being Civil M. A. No. 68 of 2025 pending before the learned Family Court, Pune be transferred to the learned CJSD, Vasai, District – Palghar within a period of four weeks from today.

(RAJESH S. PATIL, J.)