

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 365/2025****VAISHNAVI PRASAD DHANORKAR****..... APPLICANT****VS****PRASAD RAMESH DHANORKAR****..... RESPONDENT**

Adv. Sudhanva S. Bedekar for the Applicant.

None for the Respondent.

CORAM : RAJESH S. PATIL, J.**DATE : 18 MARCH, 2026****P.C. :-**

- 1) None appeared for the respondent when the matter is called out.
- 2) In the present proceedings, notice was issued to the respondent by order dated 9 September, 2025.
- 3) On 28 November, 2025, it was recorded by me that the respondent had changed his residential address. Therefore, the service could not be effected on him. However, the service was effected on the office address of the respondent. However, since the respondent did not appear in person or through an advocate, therefore liberty was granted to the applicant to serve the

respondent's advocate appearing before the Civil Judge Senior Division, Pune in the proceedings of restitution of conjugal rights filed by the respondent. Twice, the advocate for the respondent was served by the advocate for the applicant. So also, the service has been effected on the respondent via WhatsApp message. However, the respondent has chosen not to appear in the present proceedings. It seems to me that the respondent is purposely though served, trying to avoid to attend the present proceedings. There are atleast two affidavits of service filed by the applicant. Hence, I proceed further with the hearing of the present proceedings.

4) This miscellaneous civil application has been filed under Section 24 of the Code of Civil Procedure, 1908, by the applicant, wife of the respondent, seeking transfer of the husband's restitution proceedings filed before the Civil Judge Senior Division, Pune to the Family Court at Nashik.

5) It is the applicant's case that the applicant is residing at Nashik with her parents' house. She has filed divorce proceedings in Nashik. After the divorce proceedings was filed by the applicant, the respondent with ulterior motives, has filed the restitution proceedings before the Civil Judge Senior Division, Pune. The applicant is working on contractual basis at Nashik and the said job is work from home job.

The income of the respondent-husband is in excess of Rs.25 lacs per annum. It is not convenient for the applicant to travel from Nashik to Pune to attend the court proceedings and to return back on the same day. There is no male member in the family of the applicant who could accompany her to attend the court proceedings at Civil Judge Senior Division, Pune. Therefore, the present transfer application has been filed.

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 law laid down by the Hon'ble Supreme Court in case of *N.C.V. Aishwarya* (supra) and the facts of the present case, I am convinced that the present Miscellaneous Civil Application needs to be allowed.

8) The present **miscellaneous civil application is allowed in terms of prayer clause (a).**

9) The proceedings of Marriage Petition No. 80 of 2025 pending before the Civil Judge Senior Division, Pune be transferred within four weeks to the Family Court at Nashik and to be heard alongwith Divorce Petition A No. 15 of 2025.

10) Hearing of both the matters is hereby expedited.

11) Learned advocate for the applicant is permitted to communicate the order passed today to the Civil Judge Senior Division, Pune.

12) Similarly, **Registrar (Judicial-I)** is hereby directed to communicate the order passed today to the **Registrar of the** Civil Judge Senior Division, Pune **by E-mail.**

13) Parties to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]