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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 368/2025

SHEETAL SANDEEP DHOKE

..... APPLICANT

VERSUS

SANDEEP DASHRATH DHOKE

..... RESPONDENT

Adv. Vivekanand V. Krishnan (Thr. V.C.) for the Applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 23 JANUARY, 2026

P.C. :-

1) By the present transfer application, the applicant, wife of the respondent is seeking transfer of the husband's divorce proceedings filed before the Civil Judge Senior Division, Nagpur to the Family Court at Nashik.

2) The respondent has been served by advocate's private notice and an affidavit of service to that effect has been filed. The respondent has filed his reply which is on record. However, none appeared for the respondent when the matter is called out. Hence, I am proceeding with the hearing of the present Miscellaneous Civil Application.

3) It is the case of the applicant, the wife of the respondent

that she is staying at Nashik alongwith her daughter aged 11 year. She is professionally a doctor. The distance between Nashik and Nagpur is around 650 kms. Therefore, it is difficult for her to travel from Nashik to Nagpur to attend the court proceedings by travelling 650 kms, which will take around 10-11 hours to travel and return back on the same day to Nashik. There is no male member in her family to accompany her to attend the court proceedings at Nashik and to travel back. Therefore, the present Miscellaneous Civil Application requires to be allowed.

4) The respondent in his reply, has denied the contentions raised by the applicant for transferring the proceedings. It is submitted that he made attempts to reconcile the matter. But the applicant was reluctant. Therefore, he has no alternative but to issue a notice to the applicant. It is further submitted that the applicant is well settled in her life and earns around Rs.60,000/- per month. She has never allowed the respondent to meet his own daughter. He has added responsibility to take care of his widowed mother, who is not keeping good health. It will be difficult for him to travel to Nashik if his proceedings are transferred to the Family Court, Nashik. The present transfer proceeding has been filed to harass the respondent.

5) I have heard learned advocate appearing for the applicant

and I have gone through the documents on record including the reply filed by the respondent.

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 deciding 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 where the applicant is a doctor by profession and is residing at Nashik which is around 650 km away from Nagpur and who has to take care of her daughter who is aged around 11 year, I am convinced

that this Miscellaneous Civil Application needs to be allowed.

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

9) The proceedings of M.A.No. 150 of 2025 pending before the Civil Judge Senior Division, Nagpur be transferred within period of four weeks from today to the Family Court, Nashik.

10) Learned counsel for the applicant is hereby directed to convey the order passed today to the Civil Judge Senior Division, Nagpur.

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

(RAJESH S. PATIL, J.)