

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 413 OF 2025

ANAND
SUDHAKAR
SUDAME

Manisha Pravin Ingole

..Applicant

Versus

Pravin Ashok Ingole

..Respondent

Digitally signed
by ANAND
SUDHAKAR
SUDAME

Mr. Harshavardhan Patil @ Mr. Deepak Jadhav i/b. Mr. Prasad Kamthe,
Advocates, for the Applicant

Mr. Piyush Toshniwal i/b. Mr. Harshal Patil, Advocates, for the
Respondent

Date: 2026.01.17
18:37:24 +0530

CORAM : RAJESH S. PATIL, J.

DATE : 14.01.2026

P. C.

1. When this matter was called out, Mr. Toshniwal, learned Counsel for the Respondent appears and submits that yesterday, he had appeared in this matter and sought a short accommodation to file Vakalatnama and make submissions in the present proceeding. Now, his client has told him not to appear in the present proceeding as he is unable to afford services of the lawyer.

2. After hearing Mr. Toshniwal, learned Counsel for the Respondent, I am of the view that the Respondent is deliberately not appearing in the present proceeding. Therefore, I have proceeded further with the hearing of the proceeding.

3. By the present MCA, the Applicant, wife of the Respondent is seeking transfer of the Marriage Petition No. A/1843/2024 filed by the Respondent – husband before the learned Family Court, Pune to the learned Family Court, Nanded. It is case of the Applicant that she is unemployed and the Respondent is running a mess. She has a son, aged six years born out of wedlock with the Respondent. She is staying at Nanded at her maternal home. The distance between Nanded and Pune is around 450 Km. Therefore, it is difficult for her to attend the Court proceeding at Pune by traveling 450 Km which takes around nine hours to travel and return back on the same day. There is no relative to accompany her to attend the Court proceeding.

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, 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 the Marriage Petition No. A/1843/2024 pending before the learned Family Court, Pune be transferred to the learned Family Court, Nanded within a period of four weeks from today.
8. Learned Counsel for the Applicant is hereby directed to convey the order passed today to the learned Judge, Family Court, Pune who is hearing the matrimonial proceedings.
9. Similarly, Registrar (Judicial – I) is hereby directed to communicate the order passed today to the Registrar of the learned Family Court, Pune by E-mail.

(RAJESH S. PATIL, J.)