

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 419/2025****RESHMA SHRIKANT MANE****..... APPLICANT****VS****SHRIKANT VIJAY MANE****..... RESPONDENT**

Adv. Mayur S. Kadam for the Applicant.

None for the Respondent.

CORAM : RAJESH S. PATIL, J.**DATE : 30 MARCH, 2026****P.C. :-**

1) Office remark shows that the respondent has been duly served through his mother. So also, affidavit of service has been filed by the applicant's advocate stating therein that notice issued to the respondent by speed post has returned back with postal remark 'unclaimed'.

2) None appears for the respondent when the matter is called out. It seems that the he is not interested in pursuing the matter. Hence, I am proceeding further with hearing the present miscellaneous civil application.

3) By the present proceedings, the applicant, wife of the respondent is seeking transfer of restitution petition filed by the husband before the Family Court at Nashik to the Family Court at

Thane.

4) It is the applicant's case that she is staying with her parents at Kalwa, District Thane. The respondent is staying at Nashik and he is engineer in a private establishment. He is not paying any maintenance to the applicant. An application has been filed seeking interim maintenance before the Judicial Magistrate First Class, Thane in DV proceedings. The distance between Thane and Nashik is around 160 kms which takes around 3 and ½ hours to travel. There is no male member in the family of the applicant who could accompany her to attend the court proceedings at Nashik and return back on the same day. Therefore, the restitution proceedings filed before the Family Court, Nashik be transferred to the Family Court at Thane.

5) 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 while deciding 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)

6) Considering the law laid down by the Hon'ble Supreme Court in case of *N.C.V. Aishwarya* (supra) and considering the facts of the present proceedings, I am convinced that this miscellaneous civil application requires to be allowed.

7) **Miscellaneous civil application stands allowed in terms of prayer clause (a).**

8) The proceedings of Marriage Petition No. A/60/2025 pending before the Family Court at Nashik be transferred within four weeks at Family Court at Thane.

9) Learned advocate for the applicant is permitted to communicate the order passed today to the Family Court at Nashik.

10) Similarly, **Registrar (Judicial-I)** is hereby directed to communicate the order passed today to the **Registrar of the** Family Court at Nashik **by E-mail.**

[RAJESH S. PATIL, J.]