



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.438/2025

Sou Poonam Rakesh Lalsangi ..APPLICANT

VS

Shri Rakesh Dattatraya Lalsangi ..RESPONDENT

Adv. S. B. Patil appeared through VC for applicant.

Adv. Viresh V. Purwant a/w. Adv. Suraj V. Gadkari for respondent no.1.

CORAM : RAJESH S. PATIL, J.

DATE : 6 MAY 2026.

P.C. :

1) By the present transfer application, the applicant, wife of the respondent is seeking transfer of the divorce proceeding filed by the respondent – husband before the Family Court, Solapur to the CJSD, Pune.

2) It is the applicant's case that the applicant is residing with her parents from March 2024 at Pune. She does not have any source of income hence, she is unable to maintain herself. The respondent is not paying her any maintenance. The respondent is working with IT company namely Afour Technologies. The said company is situated at

Balewadi, Pune and the respondent is Engineer in the said company. The applicant was physically assaulted and mentally tortured by the respondent and his family members while she was staying with the respondent. The respondent has purposely filed the divorce proceedings at the Family Court, Solapur. It is inconvenient for the applicant to travel to Solapur for Court proceeding which is around 200 kms from Pune. It is difficult for the applicant to travel to Solapur and come back on the same day. There is no male member who could accompany her to attend the Court proceeding at Solapur. It is totally inconvenient for her to attend the Court proceeding at Solapur.

2.1) The applicant has already filed an application for restitution of conjugal rights under the Hindu Marriage Act before the CJSD, Pune. She has also filed complaint u/s. 498-A of the Indian Penal Code, at Pune. Hence, the divorce proceeding to be transferred to Pune and to be heard along with the application filed for restitution of the conjugal rights petition filed by the wife.

3) Mr. Purwant, learned counsel appearing for the respondent – husband submitted that his client is ready to pay travelling and residential expenses for the applicant and a person accompany her to

attend the Court proceeding at Solapur. He submits that in the divorce proceeding, the respondent is not attending, and the matter has proceeded further with the respondent having examined one of the witness. The said witness was cross-examined through video conferencing by learned counsel appearing for the applicant-wife. Therefore, the proceeding should continue at Solapur. He submits that though his client is working in IT office based in Pune, but he is working from home. Therefore, he is staying at Solapur and attending his office work.

4) I have heard learned counsel for both sides and I have considered the facts of the present proceeding.

5) The applicant is a lady who is not working, and she is a homemaker residing with her parents. She alleged that the respondent is working at Pune in the IT company. She is residing at Pune with her parents and according to her, it would not be inconvenient for the respondent if the proceedings are transferred to Pune and should be heard along with restitution proceeding filed by her. In any case, the husband should have to attend the restitution proceeding filed at Pune filed by the applicant. If both the proceedings are heard together, it would be convenient for the respondent. She is not

attending the divorce proceeding filed at Solapur since it is inconvenient to her, hence, the matter has proceeded exparte.

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) In view of the law laid down in the of *N.C.V Aishwarya* (supra) and considering the facts of the present proceeding, I am convinced that the present MCA requires to be allowed.

8) The present MCA stands **allowed** in terms of prayer clause (a).

9) The proceedings of Petition No. A/90/2025 pending before the Family Court, Solapur, be transferred to the CJSD, Pune, within a period of four weeks from today, and be heard along with restitution proceeding filed by the applicant-wife.

10) Learned counsel for the applicant is hereby permitted to convey the order passed today to the Family Court, Solapur.

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

12) All concerned to act on an authenticated copy of this order.

(Rajesh S. Patil, J.)