

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 442 OF 2025****Sunita Subhash Gawari****..... Applicant****VS****Subhash Gangaram Gawari****..... Respondent**

Adv. Sagar Wakale i/b. Adv. R. S. Pere for the Applicant.

None for the Respondent.

CORAM : RAJESH S. PATIL, J.**DATE : 8 APRIL, 2026****P.C. :-**

1) By the present transfer application, the applicant-wife of the respondent, is seeking transfer of divorce proceedings filed by the respondent-husband before the Civil Judge Senior Division, Rajgurunagar, Pune to the Civil Judge Senior Division, Kalyan, District Thane.

2) By an order dated 3 December, 2025, notice was issued to the respondent.

3) Office remark shows that the respondent has been duly served. So also, the advocate appearing for the applicant has tendered affidavit of service dated 16 December, 2025. The said affidavit of

service mentions that the advocate appearing for the respondent before the Civil Judge Senior Division, Rajgurunagar, Pune has been duly served.

4) From the record it appears that though the respondent has been served, has chosen not to appear in the present proceedings. It seems he is not interested in attending the present proceedings. Therefore, I am proceeding further hearing of the miscellaneous civil application.

5) It is applicant's case that she is suffering 45% permanent disability (Locomotor disability) and during the pendency of the divorce proceedings, the respondent has solemnized the second marriage on 9 May, 2022 without taking divorce from the applicant. It is further submitted that the respondent is working as a conductor with MSRTC. The applicant is residing at Ambernath at her parents' house. The distance between Ambernath and Rajgurunagar, Pune is more than 200 kms and travel time through road or through train would be around five hours. With the disability suffering by the applicant, it will be inconvenient for the applicant to attend court proceedings at Rajgurunagar, District Pune and come 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

Rajgurunagar, District Pune and return back on the same day.

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 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)

7) 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.

8) **Miscellaneous civil application stands allowed in terms of prayer clause (B).**

9) The proceedings of Hindu Marriage Petition No. 84 of 2024 pending before the Civil Judge Senior Division, Rajgurunagar, District Pune be transferred within four weeks to the Civil Judge Senior Division, Taluka Kalyan, District Thane.

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

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

12) The parties to act on the authenticated copy of this order.

(RAJESH S. PATIL, J.)