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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 452/2025

SHEETAL AKASH DHAME

..... APPLICANT

VERSUS

AKASH CHANDRKANT DHAME

..... RESPONDENT

Adv. Ghansham Jadhav for the Applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 28 JANUARY, 2026

P.C. :-

1) Office remark shows that the respondent has been duly served.

2) Learned advocate appearing for the applicant submits that the respondent has also been served by advocate's private notice. None appeared for the respondent when the matter is called out. It seems that the respondent has lost interest in appearing in the present proceedings. Hence, I am proceeding with further hearing of the present Miscellaneous Civil Application.

3) By the present transfer application, the applicant, wife of the respondent is seeking transfer of restitution petition filed by the husband before the Family Court at Bandra to the Civil Judge, Senior

Division, Baramati.

4) The grounds on which the transfer is sought is that the distance between two places is roughly around 280 kms. The travelling time would be around 6 – 7 hours. There is no male member in the family who could accompany her to attend the court proceedings at Family Court, Bandra, Mumbai. It will be very difficult for her to attend the court proceedings and return back on the same day. Hence, she is seeking transfer of the proceedings from the Family Court at Bandra, Mumbai to the Civil Judge, Senior Division, Baramati

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 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)

6) 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, case is made out to allow the present Miscellaneous Civil Application.

7) The present **Miscellaneous Civil Application stands allowed in terms of prayer clause (b).**

8) The proceedings of Marriage Petition No. A/1892 of 2024 pending before the Family Court, Bandra, Mumbai be transferred within a period of four weeks from today to the Civil Judge, Senior Division, Baramati.

9) The applicant is permitted to inform the order passed today to the Family Court, Bandra, Mumbai.

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

(RAJESH S. PATIL, J.)