

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 454 OF 2025****POOJA PRITAM KAYANGUDE****..... APPLICANT****VS****PRITAM SATISH KAYANGUDE****..... RESPONDENT**

Adv. Shruti P. Pokale a/w. Adv. Sumikumar Nimbalkar, Adv. Sainath S. Garade, Adv. Yogesh A. Sukale, Adv. Isha A. Palav i/b. Adv. Aadesh V. Kondedeshmukh for the Applicant.

None for the Respondent.

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

- 1) The present transfer application has been filed by the applicant, wife of the respondent seeking transfer of the restitution proceedings filed by the respondent-husband before the Civil Judge Senior Division, Wai, District Satara to the Family Court at Pune.
- 2) By an order dated 9 December, 2025, notice was issued to the respondent. So also, the applicant was permitted to serve the respondent through private notice of advocate.
- 3) Office remark shows that the respondent is duly served.
- 4) Learned advocate appearing for the applicant has

tendered an affidavit of service dated 11 February, 2026. The said affidavit of service mentions that the respondent has been served by Speed Post and the packet was duly delivered.

5) None appeared for the respondent when the matter is called out. It seems that the respondent is not interested in appearing in the present proceedings. Hence, I proceeded further hearing of the present miscellaneous civil application.

6) It is the applicant's case that she is staying at Pune alongwith her 2 and ½ years old son. The applicant is a home-maker and the respondent is a businessman. The respondent is not paying any maintenance to the applicant and to her son. The distance between Pune and Satara is around 100 kms. It is inconvenient for the applicant to travel to Wai, District Satara from Thane to attend the court proceedings as she has also to take care of her 2 and ½ years old son. There is no male member in the family of the applicant who could accompany her to attend the court proceedings at Wai and return back on the same day.

7) 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)

8) 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.

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

10) The proceedings of Marriage Petition No. 111 of 2025 pending before the Civil Judge Senior Division, Wai, District Satara be transferred within four weeks to the Family Court at Pune.

11) Learned advocate for the applicant is permitted to communicate the order passed today to the Civil Judge Senior

Division, Wai, District Satara.

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

(RAJESH S. PATIL, J.)