

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 463 OF 2025

ANAND
SUDHAKAR
SUDAME

Kajal Parag Abhang alias
Kajal Deepak Khedekar

..Applicant

Versus

Parag Balu Abhang

..Respondent

Digitally signed by
ANAND
SUDHAKAR
SUDAME

Ms. Pushpa B. Verma, Advocate, for the Applicant

Date: 2026.02.27
15:41:46 +0530

CORAM : RAJESH S. PATIL, J.

DATE : 25.02.2026

P C.

1. By the transfer Application, the Applicant, who is the wife of the Respondent is seeking transfer of the divorce proceeding filed by the Respondent – husband before the Family Court, Pune to the Family Court, Thane.

2. Learned Counsel for the Applicant has filed two Affidavits of service stating therein that a packet addressed to the Respondent has been received back with the postal remarks “unclaimed”.

3. By the second Affidavit of service, learned Counsel for the Applicant has served learned Counsel for the Respondent appearing before the trial Court. The said packet was duly delivered by the said Advocate on 29.12.2025.

4. None appears for the Respondent when the matter is called out.
5. I am convinced that the Respondent, though served, is not interested in attending the proceedings.
6. Hence, I have proceeded further with the hearing of the proceeding.
7. As per the documents annexed to the present Misc. Civil Application, it appears that the present Applicant – wife has filed a Divorce Petition on 16.07.2025 under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 before the Family Court, Pune.
8. Since the Divorce Petition filed by the Applicant – wife is prior in time, I am convinced that the Petition filed by the Respondent – husband to be tagged and heard along with the Divorce Petition filed by the Applicant – wife.
9. The Supreme Court in the case of ***N. C. V. Aishwarya vs. A. S. Sarvana Karthik Sha***, reported in ***2022 SCC OnLine SC 1199*** has held that while deciding transfer proceedings, convenience of the wife has to be taken into consideration. Paragraph 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 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)

10. Considering the law as laid down by the Supreme Court in the case of **N. C. V. Aishwarya (Supra)** and facts of the present case, I am convinced that this Misc. Civil Application requires to be allowed.

11. The Misc. Civil Application **stands allowed in terms of prayer clause (c).**

12. The proceeding, being Petition-A No. 1285 of 2025 pending before the Family Court, Pune be transferred to the Family Court, Thane and to be heard along with the Petition-A No. 310 of 2025 within a period of four weeks from today.

13. Learned Counsel for the Applicant is hereby directed to convey the order passed today to the Family Court, Pune, who is hearing the matrimonial proceedings and file Affidavit to that effect within a period of two weeks from today.

14. Registrar (Judicial – I) is hereby directed to communicate the order passed today to the Registrar of the Family Court, Pune by

E-mail.

15. All concerned to act on the authenticated copy of this order.

(RAJESH S. PATIL, J.)