

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO. 465 OF 2025

Pratiksha Surajsingh Chouhan ..Applicant

Versus

Surajsingh Pratapsingh Chouhan ..Respondent

Mr. Mahesh Gupta, Advocate, for the Applicant

CORAM : RAJESH S. PATIL, J.

DATE : 25.03.2026

P. C.

1. By the present transfer Application, the Applicant, who is the wife of the Respondent – husband is seeking transfer of the Petition filed by the Respondent – husband before the Family Court, Solapur to the Family Court, Pune.
2. Office remarks show that the Respondent has been duly served.
3. Learned Counsel for the Applicant has also submitted that private service has been effected on the Respondent and an Affidavit of service to that effect has been filed.
4. None appears for the Respondent when the matter is called out.
5. It seems that the Respondent is not interested in appearing before this Court. Hence, I have proceeded further with the hearing of the proceeding.

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6. It is the case of the Applicant that she is staying with her parents at Pune along with her two sons, aged 6 & 8 years. She further submitted that her husband had an extramarital affair and he is businessman by profession. The Applicant has filed D. V. proceeding before the J.M.F.C., Pune and she has also filed divorce proceeding before the Family Court, Pune. After filing of the D. V. proceeding and divorce proceeding, the Applicant has now filed an Application under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights before the Family Court, Solapur. The distance between Pune and Solapur is around 265 Km and it will take around six hours to travel from Pune to Solapur. It is extremely inconvenient for the Applicant to travel from Pune to Solapur and return back on the same day. There is no male member in her family who can accompany her to attend the Court proceeding at Family Court, Solapur.

7. 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)

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

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

10. The proceeding, being the Petition No. 456 of 2025 pending before the Family Court, Solapur be transferred to the Family Court, Pune within a period of four weeks from today.

11. Learned Counsel for the Applicant is hereby directed to convey the order passed today to the Family Court, Solapur who is hearing the

matrimonial proceedings and file Affidavit to that effect within a period of two weeks from today.

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

(RAJESH S. PATIL, J.)