

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 7/2026

MANISHA MILIND FATANGARE

..... APPLICANT

VS

MILIND GANGADHAR FATANGARE

..... RESPONDENT

Adv. Mrunmai K. Rokade a/w. Adv. Siddharth R. Ghodke i/b. Adv. Narayan G. Rokade for the Applicant.

None for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 30 MARCH, 2026

P.C. :-

- 1) Office remark shows that the respondent has been duly served.
- 2) None appeared for the respondent when the matter is called out. It seems that the respondent is not interested in pursuing the matter. Hence, I am proceeding further with hearing the present miscellaneous civil application.
- 3) By the present transfer proceedings, the applicant, wife of the respondent is seeking transfer of the divorce proceedings filed by the husband before the Civil Judge Senior Division, Kopergaon,

District Ahilyanagar to the Civil Judge Senior Division, Niphad, District Nashik.

4) It is applicant's case that she is staying at Niphad, District Nashik with her 5 year old son and 3 year old daughter at her parents house. She has filed Section 125 Indian Penal Code proceeding before the Judicial Magistrate First Class at Niphad, District Nashik. So also, she has filed DV proceedings before the Judicial Magistrate First Class, Nashik. In the said proceedings, by an order dated 17 March, 2016, an order has been passed granting interim maintenance of Rs.3,000/- and Rs.1,500/- towards the residential accommodation. Till date, the respondent has not complied with this order. Therefore, proceeding has been filed under Section 128 of the Criminal Procedure Code which is pending. Hence, for the convenience of the applicant, the proceeding be transferred from Ahilyanagar to Nashik.

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 considering the facts that in the present proceedings, inspite of the interim maintenance order passed in the year 2016, after 10 years, no amount has been paid by the respondent to the applicant and the applicant is staying alongwith her 5 year old son and 3 year old daughter at her parents house, I am convinced that this miscellaneous civil application requires to be allowed.

7) **Miscellaneous civil application stands allowed in terms of prayer clauses (a) and (c).**

8) The proceedings of Marriage Petition No. 79/2025 pending before the Civil Judge Senior Division, Kopargaon, District Ahilyanagar be transferred within four weeks to the Civil Judge Senior

Division, Niphad, District Nashik and to be heard by the Civil Judge Senior Division, Niphad, District Nashik expeditiously.

9) Learned advocate for the applicant is permitted to communicate the order passed today to the Civil Judge Senior Division, Kopergaon, District Ahilyanagar.

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

[RAJESH S. PATIL, J.]