

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 12/2026****SHRIYA ROHIT AGARWAL****..... APPLICANT****VS****ROHIT PRADEEPKUMAR AGARWAL****..... RESPONDENT**

Adv. Sushil Mishra a/w. Adv. Arun Dubey i/b. Adv. Sanjay Mishra for the Applicant.

Adv. Khushboo Kejriwal (Thr.V.C.) for the Respondent.

CORAM : RAJESH S. PATIL, J.**DATE : 25 MARCH, 2026****P.C. :-**

- 1) Registry to accept Vakalatnama of Advocate Mr. Sushil Mishra on behalf of the applicant.
- 2) By the present proceedings, the applicant, wife of the respondent is seeking transfer of the divorce proceedings filed by the respondent-husband before the Family Court at Pune, to the Family Court at Bandra, Mumbai.
- 3) It is the case of the applicant that she is staying at Malad with her parents. She has filed DV proceedings before the Judicial Magistrate First Class, Vasai and has also filed FIR under Section 498-

A of the Indian Penal Code before the Arnala Police Station, Vasai. The husband has filed divorce proceedings at Pune. The distance between Mumbai and Pune is around 160 kms and the travel time by train can take atleast 3 hours. It will be inconvenient for the applicant to travel to Pune to attend court proceedings and to return back on the same day. There is no male member in the family of the applicant who could accompany her to attend the court proceedings at Pune. The respondent is not paying any maintenance to the applicant.

4) On behalf of the respondent husband, Ms. Kejriwal, learned advocate appeared and has opposed this application on the ground that video conferencing facility is available in Family Court at Pune. Hence, the applicant can attend the court proceedings before the Family Court at Pune through video conferencing. She is an earning lady and has a substantial salary. She has earlier travelled internationally and she will have no difficulty to travel to attend Pune court proceeding and therefore her present transfer application be rejected.

5) I have heard learned advocates for both the sides and I have considered the facts on record.

6) 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)

7) Considering the law laid down by the Hon'ble Supreme Court in case of ***N.C.V Aishwarya*** (supra) and considering the fact of the present proceedings where there are already two proceedings pending against the respondent, viz. the DV proceedings and 498 proceedings filed against the respondent before the Magistrate Court at Vasai which is very near to Mumbai City and the fact that the divorce proceedings are filed after DV proceedings and 498A complaint, so also the fact that the applicant is staying with her parents at Malad, Mumbai and the travel time to attend court

proceedings at Pune would be around 4 hours, in my view the present miscellaneous civil application filed by the applicant-wife needs to be allowed.

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

9) The proceedings of petition being A Petition No. 2246 of 2025 pending before the Family Court at Pune be transferred within four weeks at Family Court at Bandra, Mumbai.

10) Learned advocate for the applicant is permitted to communicate the order passed today to the Family Court at Pune .

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

[RAJESH S. PATIL, J.]