

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 42 OF 2026****SHOBHA SANJAY KULKARNI****..... APPLICANT****VS****SANJAY AJIT KULKARNI****..... RESPONDENT**

Adv. Pramod Pawar for the Applicant.

Adv. Rajaram V. Bansode a/w. Adv. Sheetal M. Ubale for the Respondent.

CORAM : RAJESH S. PATIL, J.**DATE : 26 MARCH, 2026****P.C. :-**

1) By the present transfer application, the applicant, wife of the respondent is seeking transfer of Section 9 petition filed under Hindu Marriage Act, 1955 by the respondent-husband before the Civil Judge Senior Division, Malshiras, Solapur to the Family Court at Pune.

2) It is the case of the applicant that the distance between Pune and Solapur is around 175 kms and the travel time would be around 5 hours, one way. Therefore, it is extremely difficult for the applicant, who is house-wife to travel from Pune to Solapur to attend court proceeding and 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 in Court of Civil Judge Senior Division, Malshiras, Solapur. She has filed a divorce proceedings in Family Court at Pune. The respondent has unsuccessfully made an attempt to transfer the divorce proceedings filed by the applicant before the Family Court, Pune to the Civil Judge Senior Division, Malshiras, Solapur.

3) Mr.Pawar, learned advocate for the applicant has shown me the cause title of Section 9 petition filed under the Hindu Marriage Act, which shows that the address of the respondent-husband at Pune.

4) By an order dated 15 September, 2025 passed in Miscellaneous Civil Application No. 6 of 2025, the Circuit Bench at Kolhapur of this Court recorded the statement of the learned advocate appearing for the respondent, who sought leave to withdraw the Miscellaneous Civil Application after being heard. Hence, Miscellaneous Civil Application No. 6 of 2025 was disposed of as withdrawn. Therefore, the present miscellaneous civil application needs to be allowed.

5) On behalf of the respondent, the present transfer application is opposed on the ground that the parental house of the applicant is 5 km away from the Court of Civil Judge Senior Division, Malshiras, Solapur.

6) Mr.Bansode, learned advocate appearing for the respondent-husband submits that in the Section 9 petition filed by the respondent-husband, the address of the respondent has been shown as Solapur.

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 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)

8) Considering the law laid down by the Hon'ble Supreme Court in case of ***N.C.V. Aishwarya*** (supra) and the facts of the present case, I am convinced that the present Miscellaneous Civil Application

needs to be allowed.

9) The present **miscellaneous civil application is allowed in terms of prayer clause (a).**

10) The proceedings of Petition No. 81 of 2024 pending before the Civil Judge Senior Division, Malshiras, Solapur 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, Malshiras, Solapur..

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

[RAJESH S. PATIL, J.]