



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 58/2026

Dipali Ganesh Lawand
alias Dipali Dhananjay Magar

..APPLICANT

VS

Ganesh Ramesh Lawand

..RESPONDENT

None for the applicant.

Adv. Mohan Anant Vishnu i/b. Adv. Khanderao S. Tachle for
respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 9 APRIL 2026.

P.C. :

1) By the present transfer application, the applicant-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, Dharashiv (Osmanabad).

2) It is the case of the applicant-wife that she is staying at Dharashiv with her father, and she is a home-maker, who suffers Thyroid. The respondent-husband is in service and also runs a company of his own. To attend the Court proceedings at Pune, she will have to travel 270 kms. which would roughly take about 6 to 7 hours and therefore, to attend the Court proceedings and to come

back on the same day will be highly difficult for her. She does not have any male member in the family to accompany her to travel to Pune to attend the Court proceeding. The respondent is not paying any kind of maintenance to the applicant-wife, therefore, the divorce proceedings which is at the stage of 'entering appearance of the applicant' be transferred from the Family Court at Pune to the Family Court at Dharashiv (Osmanabad).

3) Mr. Mohan A. Vishnu, learned counsel appearing on behalf of the respondent submits that his client is now working as a building supervisor in a company at Navsari, Gujarat. If the proceedings are transferred to Dharashiv (Osmanabad), it will be very difficult for his client to travel 800 kms. His client is ready to pay transportation charges to the applicant-wife to attend the Court proceedings on she submitting the relevant documents. He is distinguishing the facts in the judgment of the Supreme Court in case of *N.C.V. Aishwarya vs. A.S.Saravana Karthik Sha*, reported in *2022 SCC OnLine SC 1199* on the ground that in the said proceeding the applicant-wife was seeking transfer of the petition filed by her husband before the Family Court at Vellore to the Family Court at Chennai. Paragraph 9 of the said judgment mentions about the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and

subsequent thereto. Therefore, the findings given by the Supreme Court in the case of *N.C.V. Aishwarya* (supra) would not be applicable to the present case. In the said judgment, there were two proceedings filed by the parties, one by the wife u/s.9 of the Hindu Marriage Act and another by the husband for annulment of marriage under the Hindu Marriage Act. Therefore, by transferring the petitioner, the Supreme Court clubbed both the petitions together. In the present proceedings, the husband has filed the divorce proceedings and in counterblast the wife has filed the domestic violence proceeding before the Chief Judicial Magistrate, Dharashiv (Osmanabad) and the complaint u/s. 498-A of the Indian Penal Code in which the chargesheet has already been filed.

4) In the judgment of *N.C.V. Aishwarya* (supra), the Supreme Court has held while deciding transfer proceeding convenience of wife has to be seen. Paragraph 9 of the 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)

5) In the present proceeding, the respondent-husband has filed the divorce proceedings before the Family Court at Pune and he has now shifted to Navsari, Gujarat which is around 350 kms. away from Pune. The wife is seeking transfer of the husband's divorce proceeding from the Family Court at Pune to the Family Court at Dharashiv (Osmanabad) where she is residing with her parents. Therefore, in my view, to keep their divorce proceedings pending before the Family Court at Pune will be inconvenient even to the respondent, since he is not staying at Pune and by transferring proceeding to Dharashiv (Osmanabad), it will be atleast convenient for applicant-wife.

6) Distance between Dharashiv (Osmanabad) and Navsari, Gujarat is around 800 kms. as informed to me by learned counsel for the respondent. Therefore, the respondent in any case would have to travel from Navsari, Gujarat to attend the Court proceeding at Pune (350 kms) and Dharashiv (800 kms).

7) The respondent is not paying any amount towards maintenance as on date to the applicant who is a home-maker. The divorce proceedings filed by the respondent-husband is at the stage of pre-trial. Therefore, in my view, considering the law as laid down in

the judgment of *N.C.V. Aishwarya* (supra) and the facts of the present case, this M.C.A. needs to be allowed.

8) The M.C.A. stands **allowed** in terms of prayer clause (a).

8.1) The proceeding of the Divorce Petition No. 1728 of 2025 filed by the respondent before the Family Court, Pune, be transferred within a period of four weeks from today to the Family Court, Dharashiv (Osmanabad).

8.2) The hearing of the said divorce petition is hereby expedited.

9) Learned counsel for the applicant is hereby permitted to convey the order passed today to the Family Court, Pune.

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

11) All parties to act on an authenticated copy of this order.

(Rajesh S. Patil, J.)