

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

MISCELLANEOUS CIVIL APPLICATION NO. 65 OF 2026

Pallavi Ganesh Gangurde ..Applicant

Versus

Ganesh Sanjay Gangurde ..Respondent

Mr. Parag S. Mishra, Advocate, for the Applicant
Mr. Digvijay A. Patil, Advocate, for the Respondent

CORAM : RAJESH S. PATIL, J.

DATE : 10.04.2026

P C.

1. By the present transfer Application, the Applicant – wife of the Respondent is seeking transfer of the divorce proceedings filed by the Respondent-husband before the Family Court at Nashik, to the Family Court at Bandra, Mumbai.
2. It is the case of the Applicant that she is staying at Kandivali, Mumbai and is a home-maker. She is staying with her parents and 7 years old daughter, who is studying in a school at Kandivali, Mumbai.
3. The Respondent is into the field of Interior Design and is not paying any maintenance to the Applicant or to the daughter.
4. Hence, learned Counsel for the Applicant prays that the present Application may be allowed.

5. Learned Counsel for the Respondent submits that the Respondent is a job less. Hence, he cannot make any statement with regard to payment of interim maintenance without prejudice to the rights and contentions of both the parties as of date.

6. He submits that the divorce proceeding should not be transferred from Nasik as it will be inconvenient for the Respondent to attend the Court proceeding at Nasik.

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 the law laid down by the Supreme Court in the case of *N. C. V. Aishwarya* (supra) and facts of the present case that the Applicant – wife is staying with her parents at Kandivali, Mumbai with her 7 years old daughter, who is studying in a school at Kandivali, Mumbai as also the fact that the Applicant is not earning and is a home-maker and the Respondent is in the field of interior design and is not willing to pay any maintenance to the Applicant and their daughter unless and until there is an order passed by this Court to that effect, according to me, a case is made out to allow the Application.

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

9.1 The proceeding, being the Marriage Petition No. A-770 of 2025 pending before the Family Court, Nashik be transferred to the Family Court, Bandra, Mumbai within a period of four weeks from today.

9.2 Both the learned Counsel, on instructions of their clients submit that parties are free to approach the Main Mediation Centre, High Court, Bombay in order to resolve the matrimonial dispute between the parties. If the parties approached the Main Mediation Centre, High Court, Bombay, the Secretary of the Main Mediation Centre to appoint a trained mediator in order to resolve the matrimonial dispute between the parties.

10. Learned Counsel for the Applicant is hereby directed to convey the order passed today to the Family Court, Nashik who is hearing the matrimonial proceedings and file Affidavit to that effect within a period of two weeks from today.

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

(RAJESH S. PATIL, J.)