

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

MISCELLANEOUS CIVIL APPLICATION NO. 113 OF 2026

Ashwini Sharad Kamble

..Applicant

Versus

Sharad Rohidas Kamble

..Respondent

Ms. Saima S. Shaikh a/w. Mr. Shubham Sonawale, Advocates, for the Applicant

Ms. Sneha Mishra i/b. Mr. Vrushabh Savla, Advocates, for the Respondent

CORAM : RAJESH S. PATIL, J.

DATE : 17.04.2026

P. C.

1. By the present transfer Application, the Applicant, who is the wife of the Respondent is seeking transfer of the divorce proceeding filed by the husband before the C.J.S.D., Ausa, Latur to the Family Court, Bandra, Mumbai.

2. It is the case of the Applicant that both the parties are residing within Mumbai Metropolitan Region (M.M.R.). The Applicant is staying along with her ten years aged son, who is studying in 5th Std. in Samarath International School. The distance between MMR area and Latur is around 550 Km. Therefore, to attend Court proceeding at Latur it will take at least 12-13 hours. Therefore, it is very difficult for the

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Applicant to attend Latur Court and return back on the same day. The Applicant is working as teacher in School and the Respondent is also working as teacher in Zilla Parishad School, Dahanu in MMR area.

3. Mr. Savla, learned Counsel for the Respondent has strongly opposed this Application.

4. 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)

5. Considering facts of the present case and the law as laid down by the Supreme Court in the case of ***N. C. V. Aishwarya*** (Supra), I am

convinced that a case is made out to allow this Application.

6. The **Miscellaneous Civil Application stands allowed in terms of prayer clause(c).**

6.1 The proceeding, being the Marriage Petition No. 25 of 2026 pending before the C.J.S.D., Ausa, District – Latur be transferred to the Family Court, Bandra, Mumbai within a period of four weeks from today.

7. Learned Counsel for the Applicant is hereby permitted to convey the order passed today to the C.J.S.D., Ausa, District – Latur who is hearing the matrimonial proceedings.

8. **The Registrar (Judicial – I) is hereby directed to communicate the order** passed today to the Registrar of the C.J.S.D., Ausa, District – Latur **by E-mail.**

9. All concerned to act on the authenticated copy of this order.

(RAJESH S. PATIL, J.)