

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 137/2026****DARSHANA ASHISH DESAI****..... APPLICANT****VS****ASHISH NIRANJAN DESAI****..... RESPONDENT**

Adv.Sudhanva S. Bedekar for the Applicant.

Adv. Indrayani Patani for the Respondent.

CORAM : RAJESH S. PATIL, J.**DATE : 12 JUNE, 2026****P.C. :-**

1) By the present transfer application, the applicant, wife of the respondent is seeking transfer of divorce proceedings filed by the respondent-husband before the Family Court at Nashik to the Family Court at Alibaug, District Raigad.

2) Mr. Bedekar, learned counsel appearing for the applicant-wife of the respondent submits that the respondent-husband is at present stationed at Muscat and the applicant who was earlier staying at Nashik and had also filed written statement along with counterclaim u/s.9 of the Hindu Marriage Act in the divorce proceeding filed by the husband, but has now shifted to Pen, Raigad,

to her parent's house as she has left her employment at Nashik. The son and daughter of the applicant and respondent both are major. The son is aged 25 years and is at present in abroad. The daughter, aged 19 years is staying at Nashik. He submits that therefore, if the proceedings are transferred to Pen, Raigad, there is no inconvenience to the respondent-husband as in any case he is not staying at Nashik or Pen.

3) Ms. Patani, learned advocate appearing for the respondent submits that the respondent has gone to Oman after taking permission from the Chief Judicial Magistrate, Nashik in an 498A proceedings. The permission is granted to travel from 7 February, 2026 to 31 August, 2026. She submits that by July end, the respondent would be coming back. She submits that her client has already filed evidence in the divorce proceedings and the matter has proceeded without cross. She submits that the son and the daughter of the applicant and the respondent are staying with the respondent. The son has now shifted for job purpose to Ireland and the daughter is staying in Pune. Both the children are looked after by the respondent and he is paying for their educational expenses and all other expenses. She submits that hence, the proceedings should not be transferred as the matter has substantially proceeded and the evidence has already

been filed by the respondent in the divorce proceedings.

4) I have heard learned advocates for both the sides. The fact remains that the respondent as of date, is not in India and is working in Oman. As per the case of the applicant, she is staying at Pen with her mother. Though the divorce proceedings are proceeded *ex-parte* for non presence of the applicant, after considering the ratio laid down by 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 while deciding the transfer proceedings, I am of the view that no prejudice would be caused to the respondent if the matter is transferred to Alibaug. Permission can be granted to the respondent to attend the court proceedings through video conferencing.

5) In view of the same, the present **miscellaneous civil application stands allowed in terms of prayer clause (a)**.

6) The proceedings of Marriage Petition A No. 532 of 2020 pending before the Family Court Nashik be transferred within four weeks to the Family Court at Alibaug, District Raigad.

7) The respondent-husband is permitted to attend the Court proceedings by video conferencing before the Family Court at Alibaug, District Raigad. However, whenever necessary, as per the directions

of the learned Family Court, Alibaug, taking up the matter, the respondent will have to attend the proceedings in person.

8) Learned counsel for the applicant permitted to convey the order passed today to the Family Court, Nashik who is hearing the proceedings.

9) 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.]