

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 142 OF 2026

Rishikesh Mohan Sangle

..Applicant

Versus

Priyanka Rishikesh Sangle

..Respondent

Mr. Divyesh K. Jain a/w. Mr. Harsh Rathod i/b. Nitin Gaware-Patil,
Advocates, for the Applicant

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CORAM : RAJESH S. PATIL, J.

DATE : 08.05.2026

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1. By the present transfer Application, the Applicant, who is the husband of the Respondent – wife is seeking transfer of the D. V. proceedings filed by the Respondent – wife before the J.M.F.C., Nashik to the C.J.S.D., Kopargaon, Ahilyanagar.

2. The D. V. proceedings is filed by the Respondent – wife under Section 12 seeking relief under Sections 18 to 23 of the D. V. Act. The distance between the J.M.F.C., Nashik and Kopargaon, Ahilyanagar is around 110 Km. The Respondent – wife is a homemaker. There are no averments made in the Application that the Applicant is paying any maintenance to the Respondent – wife.

3. 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)

4. In the Judgment passed by me in **Misc. Civil Application No. 239 of 2024 (Jyoti Abhijeet Kandage vs. Abhijeet Narayan Kandage & Ors.)**

I have held that reliefs under Sections 18 to 22 of the Domestic Violence Act, can even be sought before the Civil Court, Family Court, under the provisions of Section 26 of the Domestic Violence Act. Paragraphs 15, 15.1, and 15.2 read as under:

15) Considering the Sections of D.V. Act, and the Judgments discussed in the above paragraphs, it becomes evident that Family Court has power to decide complaint which seeks relief under Sections 18 to 22 of the D.V. Act. Hence in my opinion,

transfer of proceedings from Magistrate's Court to Family Court pertaining to relief claimed under Section 18 to 22 of the D.V. Act can be allowed. However, if a transfer proceedings is not a bonafide one, then on merits such a transfer on case to case basis can be rejected. One has to also keep in mind the stage of the proceedings of which transfer is sought.

15.1) Section 26 of D.V. Act, refers to only reliefs sought under Section 18 to 22. Therefore, application/complaint seeking relief under any other section of D.V. Act viz. Section 31, etc. would not be maintainable before Family Court.

*15.2) So also, one has to also keep in mind who is coming to the court for the transfer of the proceedings, whether it is the Wife or the Husband or any other party. Since a choice is given to the aggrieved person under the D.V. Act to choose the forum for reliefs sought under Section 18 to 22, (i.e.) before the Magistrate under Section 12 or to the civil court, family court or criminal court under Section 26, such transfer if sought by a Wife, considering the judgment of the Supreme Court in the case of **N.C.V. Aishwarya** (supra) will have to be considered favourably.*

(Emphasis supplied)

5. In view of the same and considering the fact that the distance between the J.M.F.C., Nashik and Kopargaon, Ahilyanagar is around 110 Km, I do not find any merit in the present Miscellaneous Civil Application.

6. The **Miscellaneous Civil Application** stands rejected.

(RAJESH S. PATIL, J.)