

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION (ST) NO. 11236/2026****BHAVIKA DHARMESH THAKKAR APPLICANT****VS****DHARMESH RAMESHBHAI THAKKAR RESPONDENT**

Adv. Nisha Mehra for the Applicant.

Adv. Neha A. Aiya for the Respondent.

CORAM : RAJESH S. PATIL, J.**DATE : 29 APRIL, 2026****P.C. :-**

- 1) On 23 April, 2026, following order was passed :-
- 1) Ms. Mehra, learned counsel appearing for the applicant seeks liberty to add a prayer as prayer 'c-1' seeking stay to Marriage Petition No. 1054/2025 filed before C.J.S.D., Kalyan.
 - 2) Liberty as prayed for, is granted.
 - 3) Amendment to be carried out forthwith.
 - 4) By the present transfer application, the applicant who is wife of the respondent, is seeking transfer of the Section 9 Petition filed by the respondent-husband before the C.J.S.D., Kalyan to the Family Court, Amravati.
 - 5) It is the case of the applicant that the distance between Kalyan and Amravati is 650 kms. which takes around 10 to 11 hours travelling to reach at Kalyan. The applicant is staying with her minor son of 8 years of age. The applicant is unemployed and she does not have any male member in his family to attend the



Court proceeding at Kalyan with her. The respondent is not paying any maintenance.

6) Ms. Aiya, learned counsel appearing for the respondent-husband submits that without prejudice to the rights and contentions of both the parties, the respondent-husband would pay a sum of Rs.5000/- per month towards maintenance of their minor son. She submits that the applicant will allow the respondent-husband to meet their son who is 8 years of age.

7) In view of the same, the respondent-husband without prejudice to the rights and contentions of both the parties, is permitted to deposit a sum of Rs.5000/- per month in the bank account of the applicant from 25/4/2026 till the maintenance application is decided by the Family Court/ Domestic Violence Court.

8) Ms. Aiya, learned counsel appearing for the respondent seeks short accommodation to file reply to the present M.C.A.

9) At her request, stand over to 29/4/2026.

10) In the meanwhile, there will be ad-interim relief in terms of prayer clause (c-1), till the next date of the hearing.

11) Learned counsel for the applicant is hereby permitted to convey the order passed today to the C.J.S.D., Kalyan, and file affidavit to that effect within a period of two weeks from today.

12) Similarly, Registrar (Judicial-I) is hereby directed to communicate the order passed today to the Registrar of the C.J.S.D., Kalyan, by E-mail.

13) All concerned to act on an authenticate copy of this order.

2) Ms.Aiya, learned advocate appearing for the respondent-husband submits that as per the order dated 23 April, 2026 in the present proceedings, her client has complied with the order by paying



a sum of Rs.5,000/- to the applicant. She submits that the respondent be permitted to meet his son.

3) Ms.Mehra, learned advocate appearing for the applicant has fairly consented to the request made by the respondent through his advocate and submitted that on 15 May, 2026, the hearing of DV proceedings at Judicial Magistrate First Class (JMFC), Amravati is scheduled and on that day, the respondent can meet the son of the respondent and applicant in the Court premises for 20 minutes.

4) The statements of both the learned advocates are accepted by this Court.

5) The respondent is permitted to meet his son 'Shlok' on 15 May, 2026 in the Court premises of JMFC, Amravati for a period of 20 minutes.

6) 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. Paragraph no.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 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)

7) Considering the law laid down by the Hon'ble Supreme Court in case of *N.C.V Aishwarya* (supra) and considering the facts of the present proceedings, where the wife is staying at Amravati at her parents house with her 8 years old son and the distance between Amravati and Kalyan is around 650 kms which takes around 10 to 12 hours to travel by one way, in my view this miscellaneous civil application requires to be allowed.

8) **Miscellaneous civil application stands allowed in terms of prayer clause (b).**

9) The proceedings of Marriage Petition No. 1054 of 2025 pending before the Civil Judge Senior Division, Kalyan be transferred within four weeks to the Family Court at Amravati.

10) Learned advocate for the applicant is permitted to communicate the order passed today to the Civil Judge Senior



Division, Kalyan.

11) Similarly, **Registrar (Judicial-I)** is hereby directed to communicate the order passed today to the **Registrar of the Civil Judge Senior Division, Kalyan by E-mail.**

12) The JMFC, Amravati, where the DV proceedings filed by the applicant is pending, is hereby directed to expedite the hearing of the maintenance application preferred by the applicant and the child custody application filed by the respondent.

13) Till such applications are decided, the respondent will continue to pay the amount of Rs.5,000/- every month as per the directions given by this Court in order dated 23 April, 2026.

14) Subject to payment of Rs.5,000/- per month, the respondent would be permitted to meet his son on every date of hearing before the JMFC, Amravati for a time of 20 minutes in the Court premises.

(RAJESH S. PATIL, J.)