



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

**MISC. CIVIL APPLICATION (ST) NO. 37192/2025
[Civil]**

ROHINI BHARAT DESHMUKH ALIAS ROHINI BHANUDAS VAIDYA VS MR. BHARAT NAVNATH DESHMUKH	..APPLICANT ..RESPONDENT
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Adv. Ravi V. Asabe i/b. Adv. Akshay Bankapur for applicant.
None for respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 26 MARCH 2026.

P.C. :

- 1)** Office remark shows that the respondent has been duly served.
- 2)** None appears for the respondent, when the matter is called out for hearing. It seems that the respondent is not interested in appearing in the present proceeding, hence, I proceed ahead to hear the Misc. Civil Application on merits.
- 3)** By the present transfer application, the applicant-wife of the respondent is seeking transfer of the restitution petition filed by the husband before the C.J.S.D, Kalyan to the C.J.S.D. Palghar.
- 4)** It is the case of the applicant-wife that the distance between Palghar and Kalyan is around 82 kms. Palghar is outside the Western



Suburbs of M.M.R. and Kalyan is in the Central side M.M.R. area. Therefore, travelling between Palghar and Kalyan are two different sides. The travel time by road is around 2 hours 53 minutes. Therefore, it is very inconvenient for the applicant-wife to travel to Kalyan to attend the Court proceedings and return back on the same day. The wife is staying with her parents and her three years old son. There is no male member in the family to accompany her to attend the restitution proceeding pending before the C.J.S.D., Kalyan, therefore, the transfer has been sought.

5) It is further submitted that the restitution petition as of 24/3/2025 is for filing of the written statement.

6) Considering the law laid down by the Supreme Court in the case of *N.C.V. Aishwarya Versus A.S. Saravana Karthik Sha*, reported in **2022 SCC OnLine SC 1199**, wherein the Supreme Court states that it is the convenience of the wife which has to be taken into consideration while dealing with the transfer proceeding. Paragraph 9 of the said decision 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 as laid down in the case of ***N.C.V Aishwarya*** (supra) and the facts of the present proceeding, a case is made out to allow present Misc. Civil Application.

8) Misc. Civil Application is **allowed** in terms of prayer clause (b).

9) The proceeding of Marriage Petition No.775 of 2024 pending before 5th C.J.S.D., Kalyan, be transferred within a period of four weeks from today to the C.J.S.D., Palghar.

10) Learned counsel for the applicant is hereby directed to convey the order passed today to the 5th C.J.S.D., Kalyan, 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 5th C.J.S.D., Kalyan, by E-mail.

(Rajesh S. Patil, J.)