



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

MISC. CIVIL APPLICATION (TR) NO.9 OF 2025

(Mrs. Priya Gaurav Deshmukh (Ms. Priya Vijay Khandare Name before marriage) Vs.
Gaurav Kishor Deshmukh)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Kanaad Aphale, Advocate for Applicant thr. V.C.
Mr. P. N. Upadhyay, Advocate for Respondent.

CORAM: R. M. JOSHI, J.

DATE: 17th JUNE, 2025.

1. This application is for transfer of Hindu Marriage Petition No.859/2024 from the Family Court, Nagpur to the Family Court, Pune.

2. The contention of the applicant that she is resident of Pune. It is claimed that she is staying in Pune as a paying guest. It is her contention that the applicant and non-applicant were cohabiting in the premises situated at Pimpri-Chinchwad, but matrimonial proceedings is tried at Nagpur. It is her contention that at present she is unemployed and it is not possible for her to attend the proceedings filed by the non-applicant – husband at Nagpur which is a distance of about 650 km.

3. Non-Applicant has opposed the application by contending that there is no reason or justification for the transfer. It is also claimed that the parents of the

non-applicant are old aged and that his father is suffering from heart disease. It is also sought to be claimed by the non-applicant that the applicant is employed in a company at Bangaluru and to support the same, reliance is sought to be placed on WhatsApp communication between the parties.

4. Learned Counsel for the applicant submits that it is not correct that the applicant is employed at Bangaluru. He claims that the applicant is unemployed for now. It is his submission that asking the applicant to appear before the Family Court, Nagpur from Pune will cause serious prejudice to her defence.

5. On the other hand, learned Counsel for the non-applicant submits that there is no impediment to rely upon the WhatsApp messages which according to him indicate that the applicant has a job at Bangaluru. It is his further submission that the applicant is permanent resident of Chipulan. It is his argument that merely because application is filed, without any justified reason no transfer should be effected of proceeding from one place to another.

6. It is settled position that the inconvenience of the wife should be considered over the inconvenience of the husband, if any. No doubt, in a given case where it is shown that it would become impossible for husband to appear in the proceedings at place of transfer, or where it is found that the application for transfer is not *bona fide*, the same can be rejected.

7. Herein this case the applicant who is a lady and come out with specific case that she is unemployed and that could cause inconvenience for her to travel 650 km. to attend the proceeding at Nagpur and which would ultimately affect her defence in the proceeding. As against this the non-applicant has shown the cause for non-transfer of the proceedings on the ground of old aged and sick parents. This is not the case wherein there is incapacity of the non-applicant himself to travel from Nagpur to Pune. This Court finds no reason to accept the WhatsApp chats has placed on Court to hold that the applicant in working in a company at Bangaluru. At this stage for want of any specific reliable material the said contention is not accepted. It is however, left open to the party to substantiate such contention in the appropriate proceeding.

8. In view of above decision, application is allowed in terms of prayer clause (A).

(R. M. JOSHI, J.)