



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

MISC. CIVIL APPLICATION [TR] NO.65 OF 2025

[Ashwini w/o Rahul Zhaparde .vs. Rahul s/o Chandrakant Zhaparde]

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

Court's or Judge's orders

Shri H.V. Dhage, Advocate for Applicant.
Shri S.V. Thakare, Advocate for Non-Applicant.
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CORAM : PRAVIN S. PATIL, J.

DATED : 15.10.2025.

1. By this application, the applicant is seeking the transfer of Hindu Marriage Petition No.133/2023 pending on the file of Civil Judge, Senior Division, Khamgaon to the Family Court at Akola.

2. The submission of the applicant is that she has already filed the proceeding before the JMFC at Akola bearing Misc. Criminal Case No.2373/2022 and one appeal before District and Sessions Judge at Akola bearing PWDVA Appeal No.147/2023. It is further submitted that the non-applicant is attending both the proceedings at Akola.

3. Non-Applicant, after issuing notice by this court, appeared in the matter and only stated that both the applicant and non-applicant are residing at Pune and, therefore, it will be convenient if the proceedings are transferred at Pune.

4. On the basis of rival submissions, I have gone through the record and the submissions made by both the parties.

5. It is undisputed fact that though the applicant and non-applicant are doing the private job are residing at Pune, however, their permanent address is of other places. The

applicant is the permanent resident of Akola, whereas the non-applicant's permanent address is of Khamgaon.

6. It is further pertinent to note that the proceeding seems to be filed on the basis of available jurisdiction as per the relevant provisions of law. Hence, on that aspect, this court cannot comment, particularly considering the nature of present proceedings.

7. It is stated that as per the law laid down by the Hon'ble Supreme Court of India in the case of ***N.C.V Aishwarya .vs. A.S. Saravana Karthik Sha, reported in 2022 SCC OnLine SC 1199***, it is held that the convenience of the wife is required to be considered and it is always desirable that when two proceedings are filed and same are interdependable against each other, then same should be transferred to any of the one court to avoid the multiplicity of proceeding. Here, in the present case admittedly two proceedings are already pending before the JMFC Akola. The Non-applicant is already attending the proceeding at Akola.

8. As per the law laid down by the Hon'ble Supreme Court, I am of the opinion that the proceeding which non-applicant has filed before the Civil Judge, Senior Division, Khamgaon is interdependent with the proceeding which non-applicant has filed at Akola. Hence, it is desirable that all the proceeding should be decided by one court at Akola.

9. In the circumstances, the reasons stated by the applicant, the application deserves to be allowed. Hence, I proceed to pass the following order.

(a) Hindu Marriage Petition No.133/2023 pending before the learned Civil Judge, Senior Division at Khamgaon is hereby transferred to the Family Court at Akola.

(b) The learned Civil Judge, Senior Division at Khamgaon is directed to transfer the record and proceedings of Hindu Marriage Petition No.133/2023 to the Family Court at Akola.

(c) The parties to appear before the Family Court at Akola on 18.11.2025.

(d) Application stands disposed of.

(PRAVIN S. PATIL, J.)