

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

MISC. CIVIL APPLICATION NO.40 OF 2025

Sau. Saloni w/o Akshay Bhirad

..vs..

Shri Akshay s/o Ram Bhirad

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 the applicant.

Shri V.R. Deshpande, Advocate for the non-applicant.

CORAM: PRAVIN S. PATIL, J.

DATED : 25/09/2025.

Heard.

2. By this application, the applicant/ wife is seeking the transfer of the petition bearing no.132/2024 pending on the file of the Family Court, Akola to the Family Court, Pune.

3. It is pointed out by the applicant/wife that the applicant has already filed the DV proceedings bearing No.79/2025 before the 7th Civil Judge Junior Division, Pimpri, District Pune and Criminal Miscellaneous Application No.461/2025 for grant of maintenance.

4. It is further pointed out that the non-applicant is attending the proceedings at Pimpri, District Pune. The copies of the said proceedings are placed on the record along with the Pursis dated 26.08.2025.

5. Non-applicant/husband opposes the application stating that the applicant did not approach to this Court with clean hands in the matter. There are incorrect statements made in the application, and therefore, the person, who did not approach with the clean hands, is not entitle for any relief in the matter.

5. In the present application, apart from the rights, inconvenience of the wife is required to be looked into, as per the law laid down by the Hon'ble Supreme Court in the case of ***N.V.C. Aishwarya vs. A.S. Saravana Karthik Sha 2022 SCC Online SC 1199*** particularly at paragraph 9 and 10 which read 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.

10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.

6. Considering the facts of the present matter, proceedings which are already pending at Pimpri, District Pune and non-applicant is attending the same, the judgment of Hon'ble Supreme Court is squarely applicable in the matter. Furthermore, the distance between Pune to Akola is near-about 500 km and it will be difficult for the applicant/wife to attend the proceeding at Akola.

7. Hence considering the fact that the applicant/wife will cause inconvenience, interference is required in the present matter. Hence, I pass the following order :

- (a) The application is allowed.
- (b) Petition No.132/2024 pending on the file of the Family Court, Akola is hereby transferred to the Family Court, Pune.
- (c) The Family Court, Akola is directed to handover/ transfer the R & P of the matter to the Family Court, Pune.
- (d) After transfer of the proceedings, notice be issued to the non-applicant/husband informing the date of appearance in the matter.

8. The Misc. Civil Application stands disposed of accordingly.

(PRAVIN S. PATIL, J.)

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