

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

**MISC. CIVIL APPLICATION NO.58 OF 2025**

Smt. Shubhangini w/o Ajay Rajas

..vs..

Ajay s/o Sukhdevrao Rajas

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

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Shri A.K. Sorde, Advocate for the applicant.  
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**CORAM: PRAVIN S. PATIL, J.**

**DATED : 07/10/2025.**

Despite service of notice and though the opportunity of hearing was granted to the non-applicant, none appeared for the non-applicant in the matter.

2. Heard the learned Counsel for the applicant.

3. By this application, the applicant is seeking transfer of Marriage Petition No.1349/2024 pending on the file of the Civil Judge, Senior Division and Chief Judicial Magistrate, Pune to the Court of Civil Judge, Senior Division, Wardha.

4. It is the submission of the present applicant that one proceedings under the provisions of the Protection of Women From Domestic Violence Act, 2005 bearing PWDVA Application No.9/2025 has already been filed by the applicant before the Civil Judge, Junior Division and Judicial Magistrate First Class, Ashti. It is further pointed out that non-applicant is attending the said proceedings and also filed his reply in the said application.

5. The applicant further states that the applicant is having small child of 8 years of age and further distance

between Wardha to Pune is near-about 750 kilometers. Due to these reasons, she unable to attend the proceedings at Pune. The averment made in the application are not controverted in the matter.

6. The Hon'ble Supreme Court in the case of ***N.C.V. Aishwarya vs. A.S. Saravana Karthik Sha 2022 LiveLaw (SC) 627*** has observed in paragraph 9 and 10, which read thus :

*“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.”*

7. In the present case, admittedly, one proceedings is pending under the DV Act and secondly, the distance between Wardha to Pune is more than 750 kilometers. Therefore, I am of the opinion that the applicant will cause inconvenience in the matter. *Per contra*, non-applicant, who has already attending the proceeding at Aashti, District

Wardha can also attend the proceeding at Wardha.

8. Hence, for the above said reasons, the application deserves to be allowed. Hence, I proceed to pass the following order :

- (a) The Misc. Civil Application is allowed.
  - (b) The Marriage Petition No.1349/2024 pending before the Joint Civil Judge, Senior Division and Chief Judicial Magistrate, Pune is hereby transfer to the Court of Civil Judge, Senior Division, Wardha.
  - (c) Joint Civil Judge, Senior Division and Chief Judicial Magistrate, Pune to transfer the R & P of the said proceedings to the Civil Judge, Senior Division, Wardha.
9. The Misc. Civil Application stands disposed of accordingly.

**(PRAVIN S. PATIL, J.)**

*Trupti*