



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

MISC. CIVIL APPLICATION [TR] NO.117 OF 2024

[Smt. Priya w/o Sunil Pawar .vs. Shri Sunil s/o Ramrao Pawar]

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

Court's or Judge's orders

Shri A.P. Bhuibhar, Advocate for Applicant.
Smt. A.M. Raut/Narwade, Advocate for Non-Applicant.
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CORAM : PRAVIN S. PATIL, J.

DATED : 16.10.2025.

1. By this application, the applicant is seeking the transfer of Hindu Marriage Petition No.99/2023 filed by the non-applicant before the Civil Judge, Senior Division, Pusad to the Family Court at Nagpur.

2. The applicant-wife stated that she has already filed the proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and under Section 9 of the Restitution of Conjugal Right before the court at Nagpur. The applicant further stated that she is having a baby of 3½ years old. According to the applicant, the distance between Pusad and Nagpur is 300 km. Hence, on all these counts, she prays for transfer of the proceeding.

3. The learned counsel for the non-applicant states that the applicant can attend the proceeding at Pusad through video conferencing and, therefore, the reasons stated by her are not sufficient to transfer the proceeding from Pusad to Nagpur.

4. Considering the rival submission of both the parties, I am of the view that as two proceedings are also pending before the court at Nagpur, it will be expedient to transfer the proceedings which are filed at Pusad to Nagpur.

5. I am supported by the judgment of 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***, wherein it is observed in Para 9 and 10 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. In the present case, one of the proceeding filed under Section 9 of the Restitution of Conjugal Right, which is pending at Nagpur is interdependent with the proceeding which the non-

applicant has filed at Pune. Therefore, it is desirable that both the proceedings should be decided together by one court. The reasons stated by the applicant about having a small child and the distance and in addition to the fact that two proceedings are already pending at Nagpur, the proceedings which are filed at Pune required to be transferred at Nagpur. Hence, I proceed to pass the following order :

O R D E R

- (1) The application is allowed.
- (2) The Hindu Marriage Petition No.99/2023 pending before the Civil Judge, Senior Division, Pusad, District-Yavatmal is hereby transferred to the Family Court at Nagpur.
- (3) The Civil Judge, Senior Division, Pusad is directed to transfer the record and proceedings of Hindu Marriage Petition No.99/2023 to the Family Court at Nagpur.
- (4) The Family Court at Nagpur is directed to club both the proceedings and decide together.
- (5) The Non-Applicant is directed to attend the proceeding through video conferencing and further to secure his attendance personally as and when required before the Family Court at Nagpur.
- (6) Order accordingly.

(PRAVIN S. PATIL, J.)