



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

MISC. CIVIL APPLICATION (TR) NO.110 OF 2025

(Mrs. Riya w/o Sumit Gandhewar Vs. Sumit s/o Narayan Gandhewar)

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

Court's or Judge's orders.

Mr. T. M. Barapatre, Advocate for Applicant.
Mr. N. R. Bhishikar, Advocate for Respondent.

CORAM: R. M. JOSHI, J.

DATE: 26th JUNE, 2025.

1. This application filed by wife against the husband for transfer of proceeding bearing Petition No.52/2024 filed before Civil Judge, Senior Division, Gadchiroli to Family Court, Nagpur. It is contended that the applicant has filed the proceeding for restitution of conjugal right bearing Petition No.A/101/2025 before the Family Court, Nagpur. The applicant specifically claims that on the ground of great inconvenience, transfer is sought.

2. Respondent filed reply opposing the application wherein it is claimed that there is no justified reason for transfer of the proceeding filed by him to any other Court. He has made statement in reply that he is ready to bear the conveyance expenses of the applicant if she attend the Court at Gadchiroli.

3. Learned Counsel for the applicant submits that the applicant is a lady and as the settled position, her

inconvenience should be considered over the convenience caused to the husband, if any, by transfer of the proceeding. It is his further admission that the proceeding filed by the petitioner are framing in the Family Court at Nagpur and in any case the respondent would have attend the same.

4. Learned Counsel for the respondent opposed the application by contending that there is no justified reason mentioned in the application for transfer of the proceeding in question. By relying upon the judgment of the Hon'ble Supreme Court in ***Anindita Das v. Srijit Das (2006) 9 SCC 197***. It is his contention that disadvantage has been taken by the women and leniency of this Court is being misused by them.

5. That cannot be any dispute made with regard to the proposition that in case of a transfer of the matrimonial proceeding the inconvenience of the wife needs to be considered over the inconvenience, if any, caused to the husband. The observations made by the Hon'ble Supreme Court are in the context of the proceeding which was pending before the Court. It cannot be said that the provisions of Section 25 of the Code of Civil Procedure are not to be applied in the case where the wife makes an application for the transfer.

6. Herein this case apart from fact that inconvenience would cause to the applicant/woman, it is pertinent to note that the wife has filed petition for restitution of conjugal right at Nagpur. In any case husband

is required to attend the said proceeding. On the other hand, the husband has filed the proceeding for divorce in the Court at Gadchiroli. Thus it would not be in the interest of the parties also that two different Court decide the similar issues between same parties independently. Pertinently the respondent does not claim transfer of the proceeding from Nagpur to Gadchiroli filed by the applicant. Consequently it can be said that there would not be any inconvenience for him to travel Gadchiroli to Nagpur.

7. In the result, the application stands allowed in terms of prayer clause (a). The Family Court to take up the proceeding bearing No.A/101/2025 filed by the applicant and Petition No.52/2024 filed by the respondent together.

(R. M. JOSHI, J.)