



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

MISC. CIVIL APPLICATION (TR) NO.147 OF 2025

[Sau Neha Digvijay Borkar and Another **..Vs..** Digvijay Nilkanthrao
Borkar]

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

Court's or Judge's order

Mr S. D. Pundkar, Adv. a/w Mr A. R. Deshpande, Advocate for Applicants.
Mr N. Parwani, Advocate for Non-Applicant.

CORAM : M. W. CHANDWANI, J.

DATE : 25th JULY, 2025.

1. Heard.
2. This is an application seeking transfer of Hindu Marriage Petition No.84 of 2021 filed by the non-applicant under Section 9 of the Hindu Marriage Act, 1955 before the learned Civil Judge Senior Division, Akot to the Family Court at Akola.
3. The contention is that, the divorce petition filed by the applicant – wife as well as the proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005 are pending before the Chief Judicial Magistrate, Akola. Mr. Deshpande, learned counsel for the applicants submitted that given the possibility of conflicting decisions on the same issue, it would be appropriate that both the petitions be tried by the same Court, particularly the Family Court at Akola, where an earlier divorce proceeding is pending.
4. Conversely, Mr. Parwani, learned counsel appearing on behalf of the non-applicant-husband objected to the application on the ground that the Principal District Judge has the power on the administrative side to transfer the petition and therefore, he sought rejection of the present application.

5. On one hand, the applicant-wife is seeking divorce and on the another hand, the non-applicant-husband is asking the wife to join his company in the petition filed by him before the learned Civil Judge Senior Division, Akot. Thus, in both the petitions, the grounds have to be addressed by the respective Courts. If they are tried by Separate Courts, there may be chances of conflicting decisions. Mr. Parwani, learned counsel for the non-applicant did not dispute this aspect.

6. Considering the fact that the domestic violence proceeding filed by the applicant-wife before the Family Court at Akola is pending before it where the non-applicant-husband used to appear; in my view, a case is made out for transfer of Hindu Marriage Petition No.84 of 2021 filed by the non-applicant-husband before the learned Civil Judge Senior Division, Akot to the Family Court, Akola.

7. As far as the objection raised by the non-applicant-husband regarding the maintainability of this petition on the grounds that the learned Principal District Judge has the power to transfer either of the petitions is concerned, there is no doubt that this Court also has concurrent jurisdiction under Section 24 of the Code of Civil Procedure, 1908. Therefore, the objection raised by the non-applicant is overruled and the petition is allowed in the above said terms.

8. Let the proceedings bearing Hindu Marriage Petition No.84 of 2021 pending before the learned Civil Judge Senior Division, Akot be transferred to the Family Court at Akola.

9. Accordingly, the application stands disposed of.

JUDGE