



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

MISC. CIVIL APPLICATION [TR] NO.296 OF 2024

Sou. Mrunali Mayuresh Barve
(Miss. Mrunali d/o Ravindra Thool)
Aged about 28 years,
Occupation-Housewife,
R/o. Plot No.20, Behind Yashoda School,
Netaji Colony, Trimurti Nagar,
Nagpur. Pin-440022,
Mob. No.9970338068. ... Applicant

.. Versus ..

Mr. Mayuresh Shyam Barve
Aged about 29 years,
Occupation-Private,
R/o. of A Wing, 3, Gurumauli Society,
Abhish Nagar, Shivaji Nagar,
Nashik-Pune Road, Nashik-422006,
Mob. No.8796460027, 703074244. ... Non-Applicant

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Ms. P.S. Kosare, Advocate for Applicant.
Mr. K.Y. Mandpe, Advocatge for Non-Applicant.
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CORAM : PRAVIN S. PATIL, J.
DATED : FEBRUARY 18, 2025.

JUDGMENT

1. **Rule.** Rule made returnable forthwith. Heard the learned counsel for the applicant and the learned counsel for the non-applicant.

2. By way of present application, the applicant-wife is seeking transfer the Petition No. A-819/2023 pending on the file of learned Family Court at Nashik to the learned Family Court at Nagpur.

3. It is the submission of the applicant-wife that the marriage was solemnized on 14.06.2023 before the Sub-Registrar at Nashik, however, due to ill-treatment at the hands of non-applicant-husband on trivial issues and abused in filthy language, she has filed the proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005 before the learned Judicial Magistrate, First Class at Nagpur. The same has been registered as Misc. Criminal Application No.5451/2023.

4. It is also not disputed by the non-applicant-husband that in the aforesaid proceeding, he appeared and attending the matter at Nagpur. It is also clear from record that after filing of the proceeding by the applicant, the non-applicant filed petition for restitution under Section 9 of the Hindu Marriage Act, 1955

before the learned Family Court at Nashik. The said case is registered as Petition A-819/2023.

5. The learned counsel for applicant relied upon the judgment of the Hon'ble Apex Court in the case of *N.C.V. Aishwarya .vs. A.S. Saravana Karthik Sha, reported in 2022 SCC Online SC 1199*. In the said judgment of the Hon'ble Apex Court, it was held that if the proceedings are pending in different courts between the same parties and having the common issues in question, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial on the same issues and conflict of decisions.

6. The learned counsel for the non-applicant fairly concedes this legal position and made a statement at bar that he has no objection if the proceeding pending before the learned Family Court at Nashik is transferred to the learned Family Court at Nagpur.

7. It is made clear that, in case, Video Conferencing facilities available with the learned Family Court at Nagpur, the

personal presence of the non-applicant/husband shall not be insisted upon and as far as possible, his appearance through Video Conferencing will be permitted. Even the recording of the evidence of the non-applicant/husband as well as the witnesses, if deemed appropriate by the learned Family Court at Nagpur, shall be done through Video Conferencing.

8. In view of above, the present application is allowed in terms of prayer clause (i) of application.

9. Rule is made absolute in the above terms.

[PRAVIN S. PATIL, J.]