



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

MISC. CIVIL APPLICATION [TR] NO.215 OF 2025

[Pooja w/o Hemant Kalpande .vs. Hemant s/o Prakash Kalpande]

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

Court's or Judge's orders

Shri V.K. Paliwal, Advocate for Applicant.
None for Non-Applicant though served.
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CORAM : PRAVIN S. PATIL, J.

DATED : SEPTEMBER 15, 2025.

1. By this application, the applicant is seeking transfer of Petition A No.257/2024 filed by non-applicant before the Family Court, Amravati for divorce to the file of the Civil Judge, Senior Division, Washim.

2. This court issued notice to the non-applicant on 8.4.2025. Record shows that notice was duly served on non-applicant in the month of June, 2025. However, no one put appearance on behalf of non-applicant nor non-applicant appeared in person before this court since the month of June, 2025. In the circumstances, it is clear that non-applicant is not interested to prosecute the present proceeding. Hence, I proceed to decide the present proceeding on merits.

3. Today, the learned counsel for applicant has pointed out by the pursis dated 12.9.2025 that proceedings filed by applicant bearing Criminal Misc. Application No.83/2025 and P.W.D.VA. No.15/2023 arising out of matrimonial dispute are already pending before the Judicial Magistrate at Washim. It is stated that to counter blast the said proceeding and to cause

harassment to the applicant, the non-applicant has filed the proceeding under Section 9 of the Hindu Marriage Act for Restitution of Conjugal Rights before Family Court, Amravati.

4. It will be profitable to refer the judgment of Hon'ble Supreme Court of India in 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.

5. It is further seen that the application filed by non-applicant before the Family Court, Amravati is for the Restitution of Conjugal Rights. Hence, it is clear that non-applicant is interested to cohabit with the applicant. Therefore,

considering the nature of proceeding filed by him, the same can be transferred to Civil Judge, Senior Division, Washim, so also considering the fact that the proceedings filed by applicant are already pending before the Washim Court, the present proceeding can also be transferred to the Civil Judge, Senior Division, Washim.

6. Hence, for the aforesaid reason, application is allowed. The Principal Judge, Family Court, Amravati is directed to transfer the Petition A No.257/2024 (Shri Hemant Prakashrao Kalpande .vs. Sou. Pooja Hemant Kalpande) to the Civil Judge, Senior Division, Washim along with all concerned record.

7. The parties are directed to appear before the learned Civil Judge, Senior Division, Washim on **15.10.2025**.

8. The application is disposed of accordingly.

(PRAVIN S. PATIL, J.)