



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

MISC. CIVIL APPLICATION NO.373 OF 2024

Priti d/o Panjabrao Sahare

..vs..

Abjesh s/o Gorakhnath Thorat

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

Court's or Judge's orders

Shri Sankalp P. Andhare, Advocate for the applicant.

CORAM: PRAVIN S. PATIL, J.

DATE : 11.09.2025.

This Court issued notices to non-applicant on 02.05.2024. As per the office note, notices was duly served on the respondent in the month of March 2025, however till date none appeared on behalf of the non-applicant.

2. It is also informed that the non-applicant is practicing lawyer and well aware the consequences of non-appearance in the matter. So also this Court time and again adjourned the matter to grant him opportunity but no one turn up on his behalf of in the matter. Hence it is clear that non-applicant is not interested to prosecute the present application.

3. Therefore, I have heard the learned Counsel appearing for the applicant/wife and proceeded to decide present application on its own merit.

4. The applicant/wife by way of present application seeking transfer of the proceedings bearing No.PA-2051/2022 pending before the Family Court, Pune to the learned Civil Judge Senior Division, Ramtek.

5. It is stated by the applicant/wife that since the year 2022 she is residing at Mathani, Tq. Mauda along with

her parents.

6. The non-applicant filed the proceedings for annulment of marriage before the Family Court, Pune bearing Petition No.PA2051/2022. According to the applicant, the distance between her village to Pune is more than 700 kilometers and therefore, she is unable to attend the proceedings at Pune. It is further pointed out that she is facing physical hardship as recently she is diagnosed with breast cancer.

7. It is brought to my notice that applicant has already filed the proceedings under the provisions of Protection of Women From Domestic Violence Act, 2005 before the Judicial Magistrate First Class, Mauda bearing No.Cri. M.A. 141/2022. The same is pending and non-applicant appeared in the said matter and contesting the same on merits.

8. The Hon'ble Supreme Court in the case of ***N.V.C. Aishwarya vs. A.S. Saravana Karthik Sha 2022 SCC Online SC 1199*** has observed in paragraphs 9 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.”

9.As per above said law laid down by the Hon'ble Supreme Court, convenience of the wife is required to be taken into consideration. In the present case, the applicant/wife is recently diagnosed from breast cancer and distance between Pune to village Mauda is more than 700 kilometers. Hence, certainly applicant would cause inconvenience to attend proceedings at Pune.

10. Furthermore, non-applicant is already attending the proceeding at Civil Judge Senior Division, Ramtek. Therefore no prejudice will cause to him to attend the matter if same is transferred at Ramtek. Thus, it will be expedient to transfer the proceeding filed by the non-applicant at Pune to the Court of Civil Judge, Senior Division Ramtek. Hence, the following order :

- (a) The Misc. Civil Application is allowed.
- (b) The proceeding bearing no. PA-2051/2022 pending before the Family Court at Pune be transferred to the Court of Civil Judge Senior Division, Ramtek along with the Records and Proceedings of the same.
- (c) The parties to appear before the learned Civil Judge Senior Division, Ramtek on 07.10.2025.

11. The Misc. Civil Application stands disposed of accordingly.

(PRAVIN S. PATIL, J.)