



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

MISC. CIVIL APPLICATION (TR) NO. 336 OF 2025

Anjali w/o Suraj Pidurkar
Age: 30 years, Occ. Housework,
R/o. Sudhakar Lande, Jawahar Nagar,
Near Hanuman Mandir, Ward No.15,
Tahsil : Rajura, District – Chandrapur

... Applicant

Versus

Suraj Jagannath Pidurkar
Age : 33 years, Occ. Service,
R/o. Shaktinagar Colony,
Quarter No. N M 353 Durgapur,
Tah. & Dist. Chandrapur

... Non-applicant

Mr. R.D. Hajare, Advocate for applicant.
Mr. M.N.Ali, Advocate for non-applicant.

CORAM : PRAVIN S. PATIL, J.
DATE : 03.12.2025

ORAL JUDGMENT:

Heard the learned counsel for the applicant as well as non-applicant.

(2) By this application, the applicant-wife is seeking transfer of the proceeding pending before the Civil Judge Senior Division, Wani, District – Yavatmal, to the Civil Judge Senior Division, Chandrapur.

(3) It is the contention of the present applicant that she is

residing with a child, who is age of 2 years old. According to her, she is presently residing at Rajura. The proceedings are filed at Wani. According to her, the distance between Rajura to Chandrapur is 26 kilometer whereas the distance between Rajura to Wani is 66 kilometer.

(4) According to the applicant, as she has to carry her small child on every date, it is difficult for her to travel from Rajura to Wani. Hence, according to her, considering the minor child, this Court should interfere in the matter and transfer the proceeding from Wani to Chandrapur.

(5) In addition to this, the applicant has placed on record some documents which are not disputed by the present non-applicant, to show that presently non-applicant is working with the WCL and posted at Chandrapur. The applicant has placed on record the copy of order dated 10.11.2019 which demonstrates that the WCL has allotted the quarter to the non-applicant at Chandrapur. Hence, according to applicant, no inconvenience would be caused to the non-applicant, who is already serving at Chandrapur.

(6) The non-applicant has strongly disputed the factual position, according to him, though he is working under WCL at Chandrapur but he is doing up down by travelling daily from Wani to Chandrapur.

According to him, he is not residing at Chandrapur. His submission is that, the reasons stated by the applicant are not sufficient to invoke the powers by this Court to transfer the proceeding.

(7) In the light of submission of both the parties, the law laid down by the Hon'ble Supreme Court of India in the case of ***N.C.V. Aishwarya V/s A. S. Saravana Karthik Sha, 2022 SCC OnLine SC 1199***, more particularly, in respect of consideration of transfer of matrimonial proceedings, has specifically observed in paragraph Nos.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.”

(8) The Hon'ble Supreme Court of India has specifically held that in the peculiar facts and circumstances, the convenience of the wife

should be given priority and also considered the background of each case independently. In my view the law laid down by the Hon'ble Supreme Court of India is applicable in the matter. So also, it is admitted fact that non-applicant is presently working at Chandrapur. The applicant is seeking the transfer of proceeding from Wani, District – Yavatmal to Chandrapur. Hence, it will be convenient for the non-applicant to attend the proceeding at Chandrapur, where he is already working. Hence, in my view, the interference of this Court is necessary in the matter. Hence, I proceed to pass the following order :

ORDER

- (i) The misc. civil application is allowed.
- (ii) The proceeding bearing HMP No.37/2025 pending on the file of Civil Judge Senior Division, Wani, District – Yavatmal, are hereby transfer to the Civil Judge Senior Division, Chandrapur.
- (iii) The Civil Judge Senior Division, Wani, District – Yavatmal is directed to transfer the proceeding to the Civil Judge Senior Division, Chandrapur.
- (iv) The parties are directed to appear before the Civil Judge Senior Division, Chandrapur on 19.12.2025.

(Pravin S. Patil, J.)

Prity