



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

MISC. CIVIL APPLICATION NO.367 OF 2025
Raksha Sagar Basanwar Vs. Sagar Ashokrao Basanwar

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

Court's or Judge's orders.

Shri A.S. Dhore, Advocate for applicant.
Ms Sonal Tripathi, Advocate for respondent.

CORAM : M.W. CHANDWANI, J.
DATE : 25.07.2025.

1. The applicant-wife has sought transfer of the divorce petition filed by the non-applicant/husband at the Court of Civil Judge Senior Division, Chandrapur.
2. The contention is that the non-applicant/husband is anyway attending the proceedings filed by the applicant for restitution of conjugal rights under Section 9 of the Hindu Marriage Act (for short "HM Act") before the Civil Judge Senior Division, Kelapur. It is also contended that, to avoid conflicting decisions, the both petitions can be dealt with by the one Court i.e. at Kelapur.
3. The application is opposed by the learned counsel for the non-applicant on the ground that the applicant is getting interim maintenance under Section 24 of the HM Act in D.V. proceedings and therefore, she can very well attend the proceedings at Chandrapur either physically or through video conferencing. Hence, he sought rejection of the application.

4. It is not in dispute that the non-applicant/husband is attending the proceedings for restitution of conjugal rights filed by the applicant-wife before the Civil Judge Senior Division, Kelapur. On the other hand, the non-applicant/husband is asking for divorce. The contentions in both the petitions will be one and the same and if the petitions are decided by two courts, there may be a chance of conflicting decisions. The Supreme Court in the case of *N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha*¹ has observed that, when two or more proceedings are pending in different Courts between the same parties which raise a 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. Considering the observations mentioned above, the application is allowed.

6. Hindu Marriage Petition No.45/2025 pending before Civil Judge Senior Division, Chandrapur is hereby directed to be transferred to the Court of Civil Judge Senior Division, Kelapur, District Yavatmal.

7. The application stands disposed of.

JUDGE

Wagh