



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

MISC. CIVIL APPLICATION NO.392 OF 2025

Mayuri w/o Mahesh Pendharkar

..vs..

Mahesh s/o Bharatrao Pendharkar

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

Court's or Judge's orders

Shri R.G. Waghmare, Advocate for the applicant.

CORAM: PRAVIN S. PATIL, J.

DATED : 07/10/2025.

Despite service of notice, none appeared on behalf of the non-applicant.

2. Heard the learned Counsel for the applicant.

3. By this application, the applicant is seeking transfer of Marriage Petition No.301/2024 from the file of Civil Judge, Senior Division, Achalpur to the Family Court at Yavatmal.

4. It is the submission of the present applicant that she has already filed two proceedings at Yavatmal, which are arising out the matrimonial dispute. The non-applicant is attending the said proceedings at Yavatmal. It is further stated that the distance between the Achalpur to Yavatmal is near-about 130 kilometers. The applicant is not having any source of income and wholly dependent on parents. Hence, it is not possible for her to attend the proceedings at Achalpur, and therefore, she seeks transfer of the same from Achalpur to Yavatmal.

5. The averments made in the application are not

controverted in the matter. Furthermore, the submission made by the applicant is the matter of record and cannot be disputed because he placed on record the relevant documents in support of his submission.

6. The Hon'ble Supreme Court in the case of ***N.C.V. Aishwarya vs. A.S. Saravana Karthik Sha 2022 LiveLaw (SC) 627*** has observed in paragraph 9 and 10, which read thus :

“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.”

7. In the present matter, admittedly, the applicant/wife has filed the application bearing no.PWDVA Appln. no. 82/2024 under the Protection of Women From Domestic Violence Act, 2005 pending before the 7th Joint Civil Judge, Senior Division, Yavatmal and one another

proceeding bearing No.E-59/2024 for grant of maintenance before the Family Court Yavatmal.

8. Hence, considering the law laid down by the Hon'ble Supreme Court and the fact of convenience of the wife is required to be looked into, I am of the opinion that the application deserves to be allowed. Hence, I proceed to pass the following order :

- (a) The Misc. Civil Application is allowed.
- (b) The Marriage Petition No.301/2024 pending before the Civil Judge, Senior Division, Achalpur is hereby transfer to the Family Court at Yavatmal.
- (c) The Civil Judge Senior Division, Achalpur to transfer the R & P of the said proceedings to the Family Court at Yavatmal.

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

(PRAVIN S. PATIL, J.)

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