



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

MISC. CIVIL APPLICATION [TR] NO.448 OF 2025

[Meenal w/o Kaustubh Gamre .vs. Mr. Kaustubh Kiran Gamre]

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

Court's or Judge's orders

Shri N.L. Jaiswal, Advocate a/w Shri M.P. Dhavan, Advocate for Applicant.

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CORAM : PRAVIN S. PATIL, J.

DATED : 07.10.2025.

1. By this application, the applicant is seeking the transfer of Petition No.A/777/2025 pending before the Judge-2, Family Court at Bandra, Mumbai to Family Court at Nagpur.

2. This court had issued notice to the non-applicant by order dated 18.7.2025, but by regular mode of service, same was not effected till 22.9.2025. Therefore, by order dated 22.9.2025, the permission was granted to the applicant to serve the non-applicant by private mode of service and place the affidavit of service on record. Accordingly, the applicant has placed on record the affidavit of service dated 5.10.2025, whereby it is stated by the applicant that the service was effected on non-applicant.

3. In the meantime, by regular mode of service, the non-applicant was served. This court thereafter adjourned the matter to grant opportunity to the non-applicant to

appear in this application, but till date, no one has put appearance on behalf of non-applicant.

4. Today also in the morning session, none appeared for the non-applicant. Hence, I proceed to decide the present application on its own merits.

5. It is the submission of the present applicant that after arising of matrimonial dispute between the applicant and non-applicant, she has started residing with her parents at Nagpur. She has filed Criminal Misc. Application No.613/2025 under Section 12 of the Protection of Women From Domestic Violence Act and Petition No.A/44/2025 for divorce against the non-applicant. Both the proceedings are pending on the file of respective court at Nagpur.

6. It is pointed out by the applicant that the non-applicant has also filed the proceeding for divorce before the Family Court at Bandra, Mumbai bearing Petition No.A-777/2025.

7. The submission of the applicant is that the distance between the Mumbai and Nagpur is near about 700 km and she is unable to attend the proceeding at Mumbai. It is further stated that she is not having any independent earning source and, therefore, it will be difficult for her to attend the proceeding at Mumbai.

8. It will be relevant to consider the law laid down by the Hon'ble Supreme Court of India in the 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.

9. According to this judgment of Hon'ble Supreme Court of India, when the decision in the cases are interdependent, it is desirable that they should be tried together to avoid multiplicity in trial of the same issues and conflict of decision. Here admittedly the applicant as well as non-applicant filed the proceeding of divorce one at

Nagpur and one at Bandra (Mumbai). Therefore, it will be expedient that both the matters should be tried by one court to avoid the complicity in the matter.

10. In addition to above, applicant has already filed the proceeding at Nagpur for divorce and one another proceeding under Section 12 of the Protection of Women from Domestic Violence Act before the JMFC at Nagpur. In view of this factual position, I am of the opinion that the proceeding filed by the non-applicant at Bandra (Mumbai) deserves to be transferred at Nagpur.

11. It is further pertinent to note that the applicant has made specific averment in her application and demonstrates as to how it will not be convenient for her to attend the proceeding at Bandra (Mumbai). All these averments are not controverted in the matter.

12. Hence, for the aforesaid reasons, I proceed to pass the following order :

ORDER

(1) The application is allowed.

(2) The proceeding bearing Petition No.A-777/2025 pending before the Judge-2, Family Court Bandra (Mumbai) be transferred to the Family Court at Nagpur.

(3) The Judge-2, Family Court, Mumbai at Bandra is directed to transfer the record and proceedings of Petition No.A-777/2025 to the Family Court at Nagpur.

(4) The Family Court at Nagpur is further directed to decide the Petition No.A-44/2025 filed by the applicant and Petition No.A-777/2025 filed by the non-applicant together and decide it accordingly.

(5) There shall be no order as to costs.

(PRAVIN S. PATIL, J.)