



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

MISC. CIVIL APPLICATION [TR] NO.454 OF 2025

[Priyanshu Prabhakar Rao Mahajan .vs. Nikhil Bisaram Shende]

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

Court's or Judge's orders

Smt. S.P. Giratkar, Advocate for Applicant.
Shri O.A. Ghare, Advocate for Non-Applicant.
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CORAM : PRAVIN S. PATIL, J.
DATED : SEPTEMBER 15, 2025.

1. By this application, applicant-wife is seeking transfer of Petition No.A-89/2020 filed by non-applicant-husband before the Family Court, Bhandara to the Family Court, Nagpur.
2. It is seen from the record that the present applicant is presently residing at Nagpur. Though the address of non-applicant is shown as Bhandara, but factually he is residing at Chandrapur and working as an Assistant Engineer in M.S.E.B.
3. It is also seen from the record that Family Court, Bhandara decided the Petition No.A-89/2020 by its judgment dated 18.1.2023 and thereby declared that the marriage of the applicant and non-applicant is illegal on the ground that during the subsistence of earlier marriage, the non-applicant herein performed the second marriage.
4. The said order was challenged before this court in Family Court Appeal No.45/2023, This court, by its judgment dated 7.5.2025, partly allowed the Family Court Appeal and remanded back the Petition No.A-89/2020 to the Family Court, Bhandara to decide afresh.

5. It is further informed that the judgment of this court was challenged before the Hon'ble Supreme Court of India in S.L.P (c) No.20324/2025. The said SLP was dismissed on 1.8.2025.

6. After dismissing of the SLP by the Hon'ble Supreme Court of India, the present application came to be filed before this court for transfer of the proceeding from Family Court, Bhandara to the Family Court, Nagpur.

7. Applicant states that she has been settled with her mother at Nagpur and residing at given address since last one year. Applicant also pointed out that her mother is suffering from physical ailment, so also the present applicant. As such, it is not possible for them to attend the court at Bhandara. It is also pointed out that non-applicant is working as an Assistant Engineer in MSEB and presently transferred at Chandrapur. As such, he is attending the proceeding from Chandrapur to Bhandara.

8. Learned counsel for non-applicant strongly opposed the application stating that the reasons put-forth in the application are not sufficient to transfer the proceeding from Bhandara to Nagpur. It is his contention that once the Family Court, Bhandara has decided the matter finally wherein applicant has participated in the proceeding, there is no reason to state that now the present proceeding be transferred to the Family Court, Nagpur. It is his submission that as this court as well as Hon'ble Supreme Court of India remanded back the matter to the Family Court, Bhandara, intentionally the present

application is filed to transfer the proceeding from the Family Court, Bhandara to Family Court, Nagpur.

9. I have heard both the counsel and perused the entire record.

10. It is seen from the record that Family Court, Bhandara decided the proceeding i.e. Petition No.A-89/2020 by its judgment dated 18.01.2023. Thereafter, the proceeding has been filed before this Court and then before the Hon'ble Supreme Court of India, but till the decision of Family Court, Bhandara, applicant was residing at Gadchiroli. At the relevant time, she was not facing the health issue. So also, she has not moved any application for transfer for any other ground and contested the proceeding before the Family Court, Bhandara. However, according to the applicant, situation has been now changed. It is her contention that she is now shifted to Nagpur and having the physical ailment. She is residing with her mother, who is old age and require assistance of the present applicant. Hence, in the circumstances, it is the submission of the applicant that it will be justified if the proceedings are transferred to the Family Court, Nagpur.

11. It is also clear that non-applicant is attending the proceeding from Chandrapur to Bhandara, therefore, no prejudice will be caused to the non-applicant, if the proceedings are transferred from Bhandara to Nagpur. It is informed to this court that it will be more convenient to the non-applicant to attend the proceeding at Nagpur as there is better transportation service is available than Bhandara.

12. It is further pertinent to note that 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***, time and again has laid down the principles of law that convenient of the wife should be considered in the matrimonial matter for transfer of the proceedings. It will be relevant to consider Para 9 and 10 which reads 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.

13. In view of aforesaid reasons and the law laid down by the Hon'ble Supreme Court of India, I am of the view that the present application deserves to be allowed. Hence, the application is allowed.

14. The Petition No.A-89/2020 pending on the file of Judge, Family Court, Bhandara be transferred to the Judge, Family Court, Nagpur.

15. Learned Judge, Family Court, Bhandara is requested to transfer the record and proceedings of Petition No.A-89/2020 to the Family Court, Nagpur.

16. The parties are directed to appear before the Family Court, Nagpur on **1.10.2025**.

17. The application is disposed of.

(PRAVIN S. PATIL, J.)