



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

MISC. CIVIL APPLICATION [TR] NO.500 OF 2025

Sau. Priya w/o Suraj Chaudhari
(Name before marriage –
Priya d/o Omprakash Kanojiya)
A/a 24 years, Occ. Household work,
R/o. House of Shri Anant Masne
Near Ice Factory, Jatharpeth,
Chhoti Umari, Akola, Tq. & Distt.Akola.. Applicant

..Versus..

Suraj s/o Ashok Chaudhari,
A/a 32 years, Occ. Business,
R/o. House No.83/84, Rasne Chawl,
Juna Toph-Khana, Shivaji Nagar,
Tq. Haveli, Distt. Pune-411005. .. Non-Applicant

.....
Shri C.A. Joshi, Advocate for Applicant,
None for Non-Applicant though served.

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CORAM : PRAVIN S. PATIL, J.
DATED : 09.12.2025.

JUDGMENT

1. The perusal of the record shows that the notices issued by this court to the non-applicant are served long back. However, the non-applicant did not respond to the same and,

therefore, this court on various occasion adjourned the matter with a hope that the non-applicant will appear and contest the present application. However, till date, no one appeared on behalf of the non-applicant in the matter. Hence, it is clear that the non-applicant is not interested to prosecute the present application on merits before this court.

2. The applicant herein is the wife seeks transfer of the proceeding filed by the non-applicant bearing Petition No.A/192/2025 filed before the Family Court No.6 at Pune to the Family Court, Akola.

3. The submission of the present applicant is that the distance between Akola to Pune is near about 500 km and she has already filed the proceeding under the Protection of Women from Domestic Violence Act in the month of February-2025. So also she has lodged the police complaint against the family members of the non-applicant to the Police Station, Akola. Hence, according to her, as the proceedings were filed and same are pending, in any case, the non-applicant will have to attend the said proceedings at Akola. It is stated by her that considering the distance between Akola to Pune, she will face

inconvenience and so also she has to accompanied by some one on every occasion to travel from Akola to Pune. The same is difficult for her due to financial crisis which she is facing now a days due to not having independent source of earning.

4. In normal course, the distance between two stations cannot be a reason to transfer the proceedings particularly when now a days the transportation facilities are very much available from one station to another station and every one can travel such a distance, but in that case, the non-applicant should be present and such issue can be considered and dealt with in the matter. But in view of absence of the non-applicant, it will be not proper to impose any condition on the non-applicant in the matter.

5. The averments made by the applicant in the present matter is on affidavit and same are not controverted. Furthermore, one of the proceeding filed by the applicant under the Protection of Women from Domestic Violence Act is pending at Akola and, in any case, the non-applicant has to attend the said proceeding. Hence, considering this fact, it will be proper that both the cases should be tried at one station.

6. Considering these facts and circumstances of the matter and in view of 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.

I am of the opinion that interference of this court is necessary in the matter. Hence, I proceed to pass the following order :

O R D E R

- (1) The application is allowed.
- (2) The proceeding bearing Petition No.A/192/2025 pending on the file of Family Court No.6, Pune is hereby transferred to the Family Court, Akola.
- (3) The Judge, Family Court No.6, Pune is directed to transfer the record and proceedings of Petition No.A/192/2025 to the Family Court, Akola.
- (4) There shall be no order as to costs.

(Pravin S. Patil, J.)