



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

MISC CIVIL APPLICATION (TR)NO.505/2025

[Neha Virendra Dhawle Vs. Virendra D.Dhawle]

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

Court's or Judge's orders

Ms. Pooja S.Sarode, Adv. h/f Mr. N.B.Rathod, Advocate for applicant.
Ms.Shivani S.Chintakuntalwar, Advocate for respondent.

CORAM : PRAVIN S. PATIL, J.

DATED : 22.12.2025.

1. By this application, the applicant is seeking transfer of the proceedings bearing Marriage Petition No.591/2024, pending before the Family Court, Thane to the Civil Judge, Senior Division, Mehkar, District Buldhana.

2. The applicant has raised a two-fold contention in the present matter. Firstly, she is financially not in a position to travel the distance from Mehkar to Thane, which is around 450 to 500 kms. Secondly, the non-applicant is already attending one of the proceedings filed by the applicant under the Protection of Women from Domestic Violence Act at Mehkar.

3. According to the applicant, no prejudice would be caused to the non-applicant, if the proceedings are transferred from Thane to Mehkar. The non-applicant has strongly opposed the present application. According to him, he is working at Thane and therefore, it would be difficult for him also to attend the proceedings at Mehkar. He has also stated that the applicant has failed to demonstrate her financial constraints and hence, according to him, the application cannot be allowed in the facts and circumstances of the case.

4. In the light of the above, it is clear that the non-applicant is already attending the proceedings at Mehkar. The distance between Mehkar and Thane is around 450 to 500 kms and there is no regular public transportation available to the applicant to travel to such a long distance. Furthermore, at Thane, the applicant faces difficulty in arranging accommodation for the entire day whenever the matter will be fixed before the Court at Thane. Hence, considering these aspects of the matter, it is clear that more inconvenience would be caused to the applicant if the proceedings are not transferred.

5. As per the law laid down by the Hon'ble Supreme Court in ***N.C.VAishwarya Vs. A.S.Saravana Karthik Sha***, reported in ***2022 SCC OnLine SC 1199***, it has been held that each case is required to be considered on its own facts. If the inconvenience caused to the applicant is on a large scale, the Court can take a lenient view in such matters. The Hon'ble Supreme Court, in the said decision, has observed in paragraphs 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”.

6. In the light of factual position and law laid down by the Hon'ble Supreme Court, in my opinion, the non-applicant can very well attend the proceedings at Mehkar, whereas it would be difficult for the applicant to attend the proceedings at Thane. However, considering the difficulty expressed by the non-applicant, it would be proper to permit him through Video Conferencing which would be helpful to him to attend the proceedings at Mehkar. Hence, in the facts and circumstances, the following order would sub-serve the justice. Hence, I proceed to pass the following order:-

ORDER

- (i) Miscellaneous Civil Application is allowed.
- (ii) The transfer of Marriage Petition No.591/2024 pending on the file of the Family Court, Thane is hereby transferred to Civil Judge Senior Division, Mehkar District Buldhana.

(iii) The Family Court, Thane, is directed to transfer the proceedings of Marriage Petition no.591/2024 to the Civil Judge Senior Division, Mehkar, District Buldhana.

(iv) The learned Civil Judge Senior Division, Mehkar is requested to permit the non-applicant to appear through video conferencing. However, it is made clear that as and when the physical appearance of the non-applicant is required, on that day, he will secure his presence before the Civil Judge Senior Division, Mehkar, District Buldhana.

In the above terms, the MCA stands disposed of.

(PRAVIN S. PATIL, J.)

Mukund Ambulkar