



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

MISC. CIVIL APPLICATION (TR) NO. 815 OF 2023

Sau Nandini @ Parvati w/o Girish Khandkikar Vs Mr. Girish s/o Yashwant Khadkikar

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Rohan Bhishikar, counsel for applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/02/2025.

1. By this application, the applicant/wife is seeking transfer of the matrimonial proceedings bearing no. A-524/2023 for judicial separation pending in the Family Court No.3, Pune, to the Family Court, Nagpur.
2. Learned counsel for the applicant submitted that the applicant has filed the other proceedings bearing Petition No. E-395/2023 under Section 125 of the Code of Criminal Procedure, which is pending before the Family Court, Nagpur, and other Domestic Violence Proceedings i.e. Criminal Misc. Application No. 3381/2023 is also pending at Family Court, Nagpur. Hence, no prejudice will be caused to the present non-applicant in attending the proceedings, as he is already attending the proceedings in other two matters.
3. The non-applicant is duly served and engaged the counsel, but none is present today before the court.

4. The ground raised by the present applicant for transfer of the petition is that the distance between Pune and Nagpur is about 800 km, and there is nobody to escort her to attend the proceedings. She has to look after her parents also, and as there is no source of income, she is unable to bear the expenses of the litigation.

5. Perused the application as well as other documents filed on record. There is no dispute as to the fact that the distance between Pune and Nagpur is approximately 800 km, and the applicant has no source of income to incur the expenses. Now, it is well settled that while considering the transfer application in respect of the matrimonial disputes, the convenience of the wife is to be looked into.

6. The Hon'ble Apex Court in the case of ***N.C.V Aishwarya Vs A.S. Saravana Karthik Sha [2022 LiveLaw (SC) 627]*** has clearly held that in matters where proceedings come up for consideration under Section 24 of the Code of Civil Procedure, 1908, (CPC) ends of justice would be met if the convenience of the wife is taken into consideration. Paragraph No.9 of the said decision is usefully quoted 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.

7. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

- a] The Misc. Civil Application is allowed.
- b] The matrimonial proceedings bearing Petition No. A-524/2023 pending before the learned Family Court No.3, Pune, is hereby withdrawn and transferred to the Family Court, Nagpur.
- c] The parties shall appear before the Family Court, Nagpur, on **17/02/2025**.

[URMILA JOSHI-PHALKE, J.]