



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

MISC. CIVIL APPLICATION [TR] NO.564 OF 2025

[Mrs. Shraddha w/o Prasad Gawas .vs. Mr. Prasad s/o Narayan Gawas]

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

Court's or Judge's orders

Ms. Harsha P. Joshi, Advocate for Applicant.
Mr. S.D. Pundkar, Advocate for Non-Applicant.
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CORAM : PRAVIN S. PATIL, J.

DATED : 09.10.2025.

1. By this application, the applicant is seeking transfer of Petition No.A-178/2025 filed by the non-applicant before the Principal Judge of Family Court at Thane to the Family Court at Nagpur.

2. The submission of the applicant is that after the marriage there was matrimonial dispute and since the month of October-2024, she is residing with her parents at Nagpur. It is further stated that the applicant is suffering from certain health issues and she is struggling for the same. The applicant also states that she is interested to cohabit with the non-applicant, but it is the non-applicant who is not interested to cohabit with her. Hence, it is her submission that considering the distance between Thane to Nagpur, which is around 750 km, it will be inconvenient for her to attend the proceeding at Thane.

3. The applicant further states that she had filed one pursis in the matter dated 8.10.2025 and thereby brought on record that she is working as a Financial Analyst with Accenture

Solutions Private Limited. However, on the health issue, she has sought transfer from Mumbai office to Nagpur office. Accordingly, by order dated 12.9.2025 her services are transferred at Nagpur. Hence, on all these grounds, it is her submission that it is a fit case for transfer of the proceeding filed by the husband at Thane to Family Court at Nagpur.

4. Applicant further states that immediately after the receipt of notice of the proceeding, she has approached to this court for transfer of the proceeding. Hence, there is a bonafide intention of the applicant in the matter to get transfer the proceeding from Thane to Nagpur.

5. The learned counsel for the non-applicant stated that the applicant is rendering service and having earning more than the present non-applicant. It is stated by the non-applicant that she is attending her job regularly and many a times she has travelled at a long distance including foreign tours. Therefore, the reasons stated in the application cannot be considered.

6. He has relied upon one police complaint which was recorded as NC dated 10.7.2024 whereby the present applicant has given him the threats to commit suicide. Non-Applicant further placed on record the medical certificates of his father who has undergone heart surgery in the month of September, 2025.

7. According to him, there are no one in his family to look after his father and, therefore, it will be difficult for him to attend the proceeding at Nagpur. Non-Applicant solemnly states

that he is ready to pay the travelling charges which includes the residential, lunch, dinner etc. Rs.12,000/- per trip to the applicant as and when she attend the proceeding at Thane. Hence, by considering the statement of the non-applicant the present application be disposed of.

8. Heard the learned counsel for the applicant and the learned counsel for the non-applicant at length.

9. The learned counsel for the non-applicant has relied upon the various judgments of the Hon'ble Supreme Court of India in *Transfer Petition (Civil) No.2949/2022 (Brijal Mehul Shah .vs. Mehul Kumudbhai Shah) dated 28.2.2024, Anindita Das .vs. Srijit Das, reported in (2006) 9 SCC 197 and Amandeep Goyal .vs. Yogesh Rani, reported in (2016) 15 SCC 267* to support his submission that merely because the applicant is a lady and cannot travel from one place to another cannot be a reason to transfer the proceeding as per the request of wife.

10. Per contra, the learned counsel for the applicant has relied upon the judgment of Hon'ble Supreme Court of India in case of *N.C.V. Aishwarya .vs. A.S. Saravana Karthik Sha, reported in 2022 SCC OnLine SC 1199*, wherein it is observed that while deciding the issue of transfer of a matrimonial dispute, the convenient of the wife should be taken into consideration in the matter.

11. From the perusal of the record it is clear that after filing of the present application before this court, the applicant has filed the proceeding for restitution of conjugal right bearing Petition No.A-1110/2025 in which till date notices are not

served on the non-applicant. Therefore, according to me, it is an attempt on the part of applicant to get the benefit of the same in the present matter to get transfer the proceeding from Thane to Nagpur.

12. It is further pertinent to note that admittedly till the transfer the applicant was working at Mumbai. Her services were transferred on the ground of health issue, but in the present application there is no pleading nor any document placed on record to establish the fact that due to health issue applicant will not be in a position to travel from Nagpur to Thane.

13. On the other hand, non-applicant states that he is ready to take every care of the applicant as and when she attend the proceeding at Thane. He also states that he is ready to pay Rs.12,000/- to the applicant as and when she attend the proceeding before the Family Court at Thane.

14. In addition to above, now a days the proceeding can always be attended through video conferencing by the parties and it is even permissible to lead evidence through video conferencing before the Family Court. Therefore, distance cannot be a reason for transferring the proceeding from one place to another.

15. In the present case, it is admitted fact that applicant is working in a private company as Financial Analyst. Therefore, she is very much accustom with the video conference proceeding. Hence there will be no impediment to her to attend

the proceeding through video conference before Family Court Thane.

16. In the present case, I am of the opinion that the applicant being a working woman and techno-savvy is well acquainted with computer knowledge can very well attend the proceeding at Family Court at Thane. In view of above, I proceed to pass the following order :

O R D E R

(1) The application is rejected.

(2) Learned Family Court, Thane is directed to grant access to applicant to attend the proceeding through video conference by providing her details of login in advance on the dates when matter will be listed before the court.

(3) The Non-Applciant is directed to pay the travelling charges of Rs.12,000/- per trip as and when the applicant will attend the proceeding in person at Thane.

(4) No order as to costs.

(PRAVIN S. PATIL, J.)