



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

MISC. CIVIL APPLICATION [TR] NO.615 OF 2025

Sau. Shraddha Sanju Neware,
Aged 32 years, Occ. Household,
R/o. Rameshwari Road,
Trisharan Chowk, Ambedkar Nagar,
Plot No.97, Galli No.3,
Nagpur.

.. Applicant

..Versus..

Sanju Mulchand Neware,
Aged 35 years, Occ. Service,
R/o. Ladgaon, Tq. Katol,
District-Nagpur.

AND

Office Address : Project Officer
Integrated Adivasi Vikas Ashram
School, Angara Village, Tq. Armori,
Dist. Gadchiroli.

.. Non-Applicant

.....

Mr. Mohammad Ateeque, Advocate for Applicant.

Ms. Kadambari Meshram, Advocate for Non-Applicant.

.....

CORAM : PRAVIN S. PATIL, J.

DATED : 19.11.2025.

JUDGMENT

1. Heard. By the consent of both the counsels, this
matter is taken up for final disposal.

2. By this application, the applicant is seeking the transfer of Special Marriage Petition No.03/2023 from the court of Principal District Judge, Gadchiroli to the Civil Judge, Senior Division, Nagpur.

3. The learned counsel for the applicant states that the present applicant has already filed the proceeding bearing Criminal Misc. Application No.3416/2023 under the provisions of the Protection of Women from Domestic Violence Act, 2005 before the Judicial Magistrate, First Class, Nagpur and Petition No.E-498/2023 for grant of maintenance under Section 125 of the Code of Criminal Procedure before the Family Court, Nagpur. In the said proceedings, the non-applicant is already attending the cases. According to the applicant, no grievance was raised at any time by the non-applicant that he is unable to attend the proceedings at Nagpur.

4. It is the submission of the applicant that to give counter blast to the proceedings filed by the applicant-wife and to cause her harassment, non-applicant has filed the proceeding under Section 27 of the Special Marriage Act, 1954 before the

Principal District Judge, Gadchiroli which was registered as Special Marriage Case No.03/2023. In addition to above, the applicant further stated that the distance between Nagpur to Gadchiroli is about 170 km and there is no independent source of earning to her to attend the proceeding on each date and it will be difficult for her to travel lonely. On all these counts, the applicant states that it is a fit case where this court can exercise the jurisdiction and transfer the proceeding from Gadchiroli to Nagpur.

5. The learned counsel for the non-applicant strongly opposed the application. According to the non-applicant, though the proceeding under Section 27 of the Special Marriage Act was filed by the husband in the year 2023, due to non-supply of correct address by the applicant, service could not effected for at least two years. Hence, it is not the non-applicant but the applicant is avoiding to attend the proceeding. Hence, considering this aspect of the matter, the application deserves to be rejected.

6. It is well settled position of law as laid down by the Hon'ble Supreme Court of India in the case **N.C.V.**

Aishwarya .vs. A.S. Saravana Karthik Sha, reported in 2022

SCC OnLine SC 1199, that in the cases of transfer particularly arising out of matrimonial dispute the convenience of the wife should be given preference. It is further stated that if the matters are inter-dependable then in that case it is always expected that the same should be transferred to one court and there should not be complicity of the orders in the matter. In this regard, the Hon'ble Supreme Court of India has specifically observed in paras 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.

7. Irrespective of the above legal position, in the present case, it is admitted fact on record that in two proceedings filed by the wife before the Judicial Magistrate, First Class, Nagpur and Family Court, Nagpur, the non-applicant is regularly attending the proceedings. He has never raised any dispute about the fact that it is not possible for him to attend the proceedings at Nagpur. In such circumstances, no prejudice will be caused to the non-applicant if the proceedings which he has filed at Gadchiroli are transferred to Nagpur.

8. In my opinion, if all the proceedings are transferred at Nagpur, same will be disposed of at an earliest. In such circumstances, to meet the ends of justice, the non-applicant can be permitted to attend the proceedings through video conference if it is not possible for him to attend the proceedings physically on each and every date before the Judicial Magistrate, First Class or the Family Court or the Civil Court, Nagpur.

9. Hence, for the aforesaid reasons, I am of the opinion that the applicant has made out a case and, therefore, I proceed to pass the following order :

O R D E R

- 1) Application is allowed.
- 2) Special Marriage Petition No.03/2023 pending on the file of Principal District Judge, Gadchiroli is hereby transferred to the court of Civil Judge, Senior Division, Nagpur.
- 3) The Principal District Judge, Gadchiroli is directed to transfer the proceeding of Special Marriage Petition No.03/2023 to the Civil Judge, Senior Division, Nagpur.
- 4) The non-applicant is directed to attend the proceedings before the Civil Judge, Senior Division, Nagpur through video conference with a rider that as and when his physical presence is required, he will attend the proceedings at Nagpur.
- 5) The Civil Judge, Senior Division, Nagpur is requested to grant the dates in the matter with the consent of the parties while deciding the petition.

(Pravin S. Patil, J.)