



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
MISC. CIVIL APPLICATION (TR.) NO.642 OF 2025

Pranjali Satish Belsare

..vs..

Satish Rajeshwar Belsare

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

Court's or Judge's orders

Ms.Gulafshan Ansari, Advocate for the applicant.

CORAM: PRAVIN S. PATIL, J.
DATED : 04/11/2025.

On oral request, the applicant is permitted to amend the prayer clause. Necessary amendment be carried out forthwith.

2. By this application, applicant is seeking the transfer of H.M.P. No.387 of 2024 pending before Civil Judge, Senior Division, Amravati to the Civil Judge, Senior Division, Yavatmal. It is stated that the divorce proceeding bearing No.H.M.P. No.134/2024 before the Civil Judge, Senior Division, Yavatmal and another proceeding under the Protection of Women From Domestic Violence Act, 2005 before the Judicial Magistrate First Class, Ghatanji are already pending. Therefore, it is the submission of the applicant that only to harass, the non-applicant/husband has filed the proceeding for restitution of conjugal rights before the Civil Judge, Senior Division, Amravati.

3. In addition to the above, the applicant has stated that she is having a minor child of six years old and she is required to take care of the child. The applicant further states that she is residing with her mother at Yavatmal and there is no other person in the

family to look-after his mother and the child. Therefore, it is difficult for her to attend the proceedings at Amravati. The applicant categorically stated before this Court that non-applicant is attending both the proceedings at Yavatmal. Hence, according to the applicant, no prejudice would be caused to the non-applicant if the proceedings filed by him will transfer to the Court At Yavatmal.

4. The record shows that notice of this application was duly served on non-applicant, however none appeared on behalf of the non-applicant/husband.

5. All the grounds raised by the applicant are not controverted in the matter. As such there is no reason to disbelieved the submission made by the applicant in the matters.

6. It will be necessary to point out that Hon'ble Supreme Court of India in the case of ***N.V.C. Aishwarya vs. A.S. Saravana Karthik Sha 2022 SCC Online SC 1199*** has laid down the law that convenience of the wife should be considered and if the matters are inter-dependable then it is desirable to transfer the proceeding at one Court. Relevant paragraphs 9 and 10 reads 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. In view of the above factual as well as legal position, I proceed to pass the following order :

- (a) The application is allowed.
- (b) The proceeding bearing H.M.P. No.387 of 2024 pending on the file of Civil Judge, Senior Division, Amravati is hereby transferred to the Civil Judge, Senior Division, Yavatmal.
- (c) The Civil Judge, Senior Division, Amravati is directed to transfer the record and proceedings of H.M.P.No.387 of 2024 to the Civil Judge, Senior Division, Yavatmal and decided the matters accordingly, on its own merits.
- (d) No order as to costs.

8. The application stands disposed of accordingly.

(PRAVIN S. PATIL, J.)