



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

MISC. CIVIL APPLICATION [TR] NO.676 OF 2025

Sau. Varsha w/o Nikhil Yokar,
Age 30 years, Occu : Homemaker,
At present
c/o. Shriram Laluji Mugal,
Resi. Of Barabde Lay-out, Plot No.14,
Rajkamanl Colony, Narayanpur Road,
Devmali, Paratwada, Tq. Achalpur,
District-Amravati. .. Applicant

..Versus..

Nikhil s/o Nandlal Yokar,
Age 36 years, Occu : Service,
Residence of Balaji Residency,
Plot No.C/302, Pimple Gurav,
Pune, Tq. & Dist. Pune. .. Non-Applicant

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Mr. D.S. Khushalani, Advocate for Applicant.
None for Non-Applicant though served.

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CORAM : PRAVIN S. PATIL, J.
DATED : 18.11.2025.

JUDGMENT

1. Heard the learned counsel for the applicant. None for
the non-applicant though served.

2. In the present matter, this court on 30.9.2025 issued notice to the non-applicant. The applicant was permitted to serve the non-applicant by all permissible private mode of service in addition to the regular mode of service. Accordingly, the applicant served non-applicant by private mode of service and filed an affidavit on record to demonstrate that the notice was duly served on the non-applicant. However, notice by regular mode was not served on the non-applicant. Hence, this court on 10.11.2025 to grant one more opportunity to the non-applicant, adjourned the matter. But today no one appeared in the matter on behalf of the non-applicant. In the circumstances, I proceed to decide the present application on its own merit.

3. It is the submission of the present applicant that she has also filed the proceeding bearing Misc. Criminal Application No.22/2025 under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of maintenance against the non-applicant. In the said proceeding, after issuing notice to the non-applicant, immediately thereafter the non-applicant filed the proceeding under Section 9 of the Hindu

Marriage Act for Restitution of Conjugal Rights at Pune.

4. According to the applicant, filing of the proceeding by non-applicant is nothing but an attempt to harass the present applicant and to give counter blast to the proceeding which she has filed at Achalpur.

5. It is further pointed out by the applicant that in addition to the above said proceeding, she has also filed the Hindu Marriage Petition No.97/2025 for divorce. In the said proceeding, non-applicant is appearing before the Civil Judge, Senior Division, Achalpur.

6. It is well settled position of law, particularly in the judgment of *N.C.V. Aishwarya .vs. A.S. Saravana Kartik Sha, reported in 2022 SCC OnLine SC 1199*, wherein the Hon'ble Supreme Court has held that the convenience of the wife is one of the factor to be looked into while considering the proceedings of transfer of cases and if both proceedings are found inter-dependable, then it is desirable that both the proceedings are clubbed and tried together. In this regard, paras 9 and 10 of the judgment are relevant to refer 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 the present application, all the averments raised by the applicant are not controverted by the non-applicant, therefore, there is no impediment to disbelieve the same.

8. Hence, in the facts and circumstances of the case, I am convinced that interference of this court is necessary in the matter. Accordingly, I proceed to pass the following order :

O R D E R

- (1) The Application is allowed.
- (2) The Hindu Marriage Petition No.457/2025 pending before Civil Judge, Senior Division, Court No.16, Pune is hereby transferred to the Civil Judge, Senior Division, Achalpur.
- (3) The learned Civil Judge, Senior Division, Court No.16, Pune is directed to hand over/transfer the record and proceedings of HMP No.457/2025 to the Civil Judge, Senior Division, Achalpur.
- (4) The learned Civil Judge, Senior Division, Achalpur is directed to try together the pending HMP No.97/2025 with HMP No.457/2025 and decide the same as expeditiously as possible. No costs.

(Pravin S. Patil, J.)