



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

**MISC. APPLICATION (TRANSFER) NO.1080/2023**

(Sau. Babli Suresh Sonwal Vs. Suresh Dipak Sonwal)

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

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Mr. S.R. Babhulkar, Advocate h/f Mr. S.M. Vaishnav for appellant.  
Mr. A.M. Kukday, Advocate (appointed) Advocate for respondent.

**CORAM: M. M. NERLIKAR, J.**

**DATED : 23/12/2025.**

Heard the learned counsel for the applicant and  
learned counsel for non-applicant.

2. The applicant through this application is seeking  
to transfer HMP No.432/2022 pending on the file of Civil  
Judge, Senior Division ("CJSD"), Bhusaval to the Family  
Court, Amravati.

3. The learned counsel for the petitioner submits that  
the husband has filed the proceedings at Bhusaval for  
restitution of conjugal rights. The wife has also filed the  
proceedings under the Protection of Women from Domestic  
Violence Act, 2004 ("D.V.Act") at Amravati. He submits  
that it is very difficult for the applicant-wife to travel to  
Bhusaval as the distance between Amravati to Bhusaval is  
approximately 250 km. There is no independent source of

income to the wife. Further, there is no male member in her family who is ready to accompany her to go to the Bhusaval. The applicant is having old aged parents, therefore he submits that it is very difficulty to contest the proceedings which is pending with CJSD, Bhusaval filed under Section 9 of the Hindu Marriage Act for of the Restitution of Conjugal Rights.

4. On the other hand, the learned counsel for the non-applicant husband submits that there is no ground made out in the present application in order to transfer the proceedings filed for Restitution of Conjugal Rights from Bhusaval to Amravati and even 250 km distance is not far considering the mode of transportation available now-a-days. The wife is unable to attend the proceedings at Bhusaval for cross-examination of husband for no reason at all. She has engaged counsel, but she remains absent. According to him, at the most, traveling allowance can be granted to the applicant. He lastly submits that petition is devoid of merits and same be rejected.

5. Upon considering the rival submissions and upon perusal of the application, it appears that admittedly, the

proceedings under Section 9 of the Hindu Marriage Act was filed by the husband before the CJSD, Bhusaval for restitution of conjugal rights, however it appears that even wife has filed the proceedings under the DV Act before the Family Court, Amravati. It appears that distance between Amravati to Bhusaval is approximately 250 km. Under such circumstances, it is necessary to see whether the wife can effectively contest the proceedings initiated by the husband at Bhusaval or not. As could be gathered from the record that though the wife has engaged the counsel at Bhusaval, however she has continuously remained absent. This fact would itself demonstrates that she is facing difficulty in traveling from Amravati to Bhusaval. It is further to be noted that though there may be some transportation facility available now-a-days, but still considering the fact that the applicant is a lady and no family member is ready to accompany her from Amravati to Bhusaval, there is every likelihood to believe that she is having difficulty in traveling from Amravati to Bhusaval. It further appears from the record that even there is no separate income source in order to travel from Amravati to Bhusaval.

6. Considering above grounds which have been raised by the applicant, the wife's convenience is always considered. If the proceedings are transferred from Bhusaval to Amravati, in that contingency, husband may not face that much of difficulty which the wife is facing. Further, the balance of convenience also lies in favour of the applicant.

7. Considering the above facts and circumstances, the applicant has made out a case to transfer the proceedings from CJSD, Bhusaval to the Family Court, Amravati.

8. Therefore, I am of the opinion that it would be appropriate to transfer HMP No.432/2022 pending on the file of CJSD Bhusaval to the Family Court, Amravati. Hence the following order:-

**ORDER**

(I) Application is hereby allowed.

(II) The proceedings bearing HMP No.432/2022 pending on the file of Civil Judge, Senior Division ("CJSD"), Bhusaval is transferred to the Family Court, Amravati.

(III) The Family Court Amravati shall register the said HMP and start the proceeding from the stage at which it is pending in Bhusaval.

9. Application stands disposed of in above terms.

**( M. M. NERLIKAR, J.)**

*Gohane*