



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

MISC. CIVIL APPLICATION [TR] NO.721 OF 2025

[Dr. Priya Harshad Kandalkar .vs. Harshad s/o Uttamrao Kandalkar]

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

Court's or Judge's orders

Mr. C.A. Babrekar, Advocate for Applicant.
Mr. I.G. Meshram, Advocate for Non-applicant.
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CORAM : PRAVIN S. PATIL, J.

DATED : 13.11.2025.

1. By this application, the applicant is seeking the transfer of Petition No.A-1363/2024 filed by the non-applicant/ husband before the Family Court, Nagpur to Family Court, Amravati.

2. The contention of the present applicant is that she has already filed the proceeding under Section 9 of the Restitution of Conjugal Rights at Amravati. Non-applicant is attending the said proceeding at Amravati. It is also pointed out that the non-applicant is presently working at ShreeGurudev Ayurved Mahavidalaya, Shreekhetra Gurukunj Ashram, District- Amravati. The distance between Gurukunj Ashram to Amravati is only 32 to 35 km. Hence, on this count, the transfer is sought in the matter.

3. The non-applicant strongly opposed the application by stating that as the transport facilities are very much available from Amravati to Nagpur, the applicant can attend the proceeding at Nagpur. Therefore, application deserves to be rejected.

4. In view of decision of the 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 in Para 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.

5. It is held by the Hon'ble Supreme Court of India that if both the proceedings are inter-dependable on each other, then it is desirable to transfer both the proceedings at one station. In the present case, the judgment of Hon'ble Supreme Court is squarely applicable. The proceeding pending at Amravati and Nagpur raised common question of fact and inter-dependable.

6. In the present case, the proceeding at Amravati already pending at the instance of the applicant. Therefore, it is expedient to transfer the proceeding filed by the non-applicant at Nagpur.

7. Hence, the application is allowed.

8. The Petition No.A-1363/2024 pending on the file of Family Court, Nagpur is hereby transferred to the Family Court, Amravati.

9. Family Court, Nagpur is directed to transfer Petition No.A-1363/2024 to the Family Court, Amravati.

10. Parties are directed to appear before Family Court, Amravati on **15.12.2025**.

(PRAVIN S. PATIL, J.)