



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

Misc. Civil Application (Tr)No.784/2025

[Pallavi w/o Sachin Jadhav Vs. Sachin Annappa Jadhav]

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

Court's or Judge's orders

Mr. B.R.Deshmukh, Advocate for the applicant.

CORAM : PRAVIN S. PATIL, J.

DATED : 17.12.2025.

1. By this application, the applicant is seeking transfer of the proceedings filed by non-applicant-husband before the 3rd Joint Civil Judge Senior Division, Bhusawal to Civil Judge Senior Division, Daryapur.

2. This Court issued notice to the non-applicant in the matter. The office record shows that notice was duly served on him long back. This Court to provide him one more opportunity has also adjourned the matter on the last date but, till date none appeared on behalf of the non-applicant in the matter. Hence, it is clear that the non-applicant is not interested to prosecute the present application.

3. The applicant has stated that out of wedlock, they have blessed with female child, who is one year old. The distance between Bhusawal to Daryapur is more than 350 kms. There is no regular public transportation available to travel from Daryapur to Bhusawal. The applicant further states that she has already filed proceedings before the Civil Judge Senior Division, Daryapur for divorce. The non-applicant is already attending the proceedings at Daryapur. Hence, according to the applicant, considering this factual aspect of the matter, it will be

convenient for her, if the proceedings are transferred from Bhusawal to Daryapur.

4. All averments made by the applicant remain uncontroverted, as the non-applicant, though duly served, has failed to appear in the matter.

5. It is well settled position of law that if one of the proceedings arising out of matrimonial matter and the proceedings which filed by the husband at another station then it is also desirable that both proceedings should be tried together. In this regard, the Hon'ble Supreme Court in the 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”.

6. In the present case, in view of the statement on oath made by the applicant that one of the proceedings of divorce is already pending at Daryapur and the non-applicant is already attending the said proceedings at Daryapur, no prejudice will be caused to the non-applicant if the proceedings bearing HMP no.95/2025 are transferred from Bhusawal to Daryapur. So also the applicant is having minor child of only one year, it will be difficult for her to attend proceedings from Daryapur to Bhusawal which is distance about 350 kms. It is further stated that she has to face various difficulties in travelling to Bhusawal, her place of residence, and in spending the entire day there along with her child

7. In view of above, I am of the opinion that the applicant has made out a case for interference in the matter. Hence, I proceed to pass the following order:

ORDER

- (i) The application is allowed.
- (ii) HMP No.95/2025 filed by the non-applicant before the 3rd Joint Civil Judge Senior Division, Bhusawal is hereby transferred to the Civil Judge Senior Division, Daryapur.

(iii) The 3rd Joint Civil Judge Senior Division, Bhusawal is directed to transfer record and proceedings of HMP No.95/2025 to the Civil Judge Senior Division, Daryapur.

(iv) The Civil Judge Senior Division, Daryapur is directed to try to decide the proceedings filed by the applicant so that it will be convenient for the non-applicant to attend the proceedings at Daryapur.

In view of above directions, the application stands disposed of.

(PRAVIN S. PATIL, J.)

Mukund Ambulkar