



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

MISC. CIVIL APPLICATION [TR] NO.1054 OF 2024

[Dr. Nutan w/o Sunil Zatale .vs. Sunil s/o Panjab Zatake]

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

Court's or Judge's orders

Shri D.S. Patil, Advocate for Applicant.
Shri S.S. Shinde, Advocate for Non-Applicant.
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CORAM : PRAVIN S. PATIL, J.
DATED : SEPTEMBER 20, 2025.

1. In the present application, considering the fact that there is a matrimonial dispute, I have made attempt to settle the dispute.
2. The learned counsel for the non-applicant was ready to negotiate the matter and stated that an amount of Rs.3,00,000/- be given by the non-applicant as a full and final settlement of the matter.
3. Accordingly, the matter was adjourned to seek instructions by the non-applicant from his client.
4. Today when the matter is listed, the counsel appearing for the non-applicant stated that he is interested to cohabit with the present applicant and therefore, not ready to accept the proposal given by the applicant in the matter. Hence, considering this factual position, I have proceeded to decide the present application on its own merits.
5. By this application, applicant is seeking transfer of Hindu Marriage Petition No.462/2024 pending on the file of

learned Judge, Family Court, Aurangabad to the Judge, Family Court at Akola. The applicant states that she has already filed the proceeding under Section 13 (1)(a) of the Hindu Marriage Act for dissolution of marriage bearing A-Petition No.197/2024 before the Judge, Family Court, Akola and one another proceeding under Domestic Violence Act before the learned Chief Judicial Magistrate, Akola bearing Misc. Criminal Application No.797/2024. It is further pointed out that non-applicant is attending both these matters at Akola.

6. It is the submission of the applicant that only to give counter blast and to harass the present applicant, the proceeding under Section 9 of the Hindu Marriage Act for Restitution of Conjugal Rights has been filed by the non-applicant before the Family Court at Akola bearing Petition No.A-462/2024.

7. The learned counsel for the non-applicant pointed out from the record particularly from the petition for dissolution of marriage filed by the applicant that she is working woman and presently she is working at Fire Service College at Nagpur. Hence, it is submission of the non-applicant that she is not residing at Akola. According to the non-applicant she is residing at Nagpur. On the basis of this fact, it is stated by the non-applicant that looking to the convenience of both the parties, the present application in stead of transferring at Akola, same may be directed to be transferred at Buldhana.

8. However, it is pertinent to note that the non-applicant is already attending the proceeding filed by applicant at Akola. This fact is not disputed by the non-applicant. So also it is not the case that the applicant being working at Nagpur, she is not

attending the proceeding at Akola. Therefore, considering the peculiar facts of the case, it will be convenient to both the parties to attend the proceeding at Akola.

9. It will be profitable to refer the judgment of 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.

10. In the light of above, the application is allowed. The proceeding bearing Petition No.A-462/2024 pending on the file of Judge, Family Court at Aurangabad is directed to be transferred to the Judge, Family Court at Akola.

11. The Family Court at Aurangabad is requested to transfer the record and the proceedings of Petition No.462/2024 to the Family Court at Akola.
12. Application stands disposed of accordingly.

(PRAVIN S. PATIL, J.)