



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

MISC. CIVIL APPLICATION (TR.) NO.257 OF 2024

Sushma w/o Nilesh Dhage
Vs.
Nilesh s/o Gunvantrao Dhage

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

Court's or Judge's orders

Mr. C. D. Dhanjode, Counsel h/f Mr. D. D. Dhanjode, Counsel for the
applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 22/01/2025

1. Heard.

2. The applicant has filed this application under Section 24 of the Code of Civil Procedure for transfer of the matrimonial proceeding bearing A No.240/2022 from Family Court, Amravati to the Civil Judge Senior Division, Nagpur. It is the contention of the applicant that she has no source of income and she belongs to the middle class family and unable to bear the day-to-day expenses. She is not provided the maintenance also and now the non-applicant has filed the divorce petition before the learned Civil Judge Senior Division, Nagpur. The distance between Nagpur to Amravati is more than 150 Km which is inconvenient for her. In view of that, the matrimonial proceeding i.e. A.No.240/2022 be

transferred to the Civil Judge Senior Division, Nagpur.

3. The non-applicant though appeared has not filed his reply and therefore, the application proceeded without his reply.

4. Now, it is well settled that while considering the transfer application of the wife the convenience of the wife is to be looked into. This aspect is also considered by the Hon'ble Apex Court in the case of **N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha** reported in **AIR 2022 SC 4318** wherein the Hon'ble Apex Court held that "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."

5. In the light of the above observation of the Hon'ble Apex Court, the applicant has made out a case for grant of transfer of the proceeding. In view of that, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The matrimonial application A.No.240/2022 pending before the Family Court, Amravati is hereby withdrawn and transferred to the Civil Judge Senior Division, Nagpur.
- (iii) The parties shall appear before the Civil Judge Senior Division, Nagpur on 03.02.2025.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)