



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
MISC. CIVIL APPLICATION NO. 823 OF 2024**

Sau. Poonam Chetan Chavhan
Aged about : 28 Years, Occu : None; R/o
C/o Sunita Arjun Puri, Chowsala Road,
Bodad, Yavatmal, Tahsil and District
Yavatmal.

... APPLICANT

VERSUS

Chetan Rameshrao Chavhan
Aged about : 35 Years, Occu : Service; R/o
C/o Ambadasji Wankhede, Sabale Plots,
Near Saptashruni Temple, Wardha, Tahsil
and District Wardha.

... RESPONDENT

Ms. S. V. Darne, Advocate h/f Mr. V. D. Darne, Advocate for Applicant.
None for the Respondent.

**CORAM : PRAVIN S. PATIL, J.
DATE : DECEMBER 09, 2025.**

ORAL JUDGMENT

. Heard Ms. S. V. Darne, learned Counsel for the Applicant. None appeared for the Respondent.

2. This Court issued notices to the Respondent, in response to the filing of present Application for transfer of the proceeding. From the record it

is seen that the notices are duly served on the Respondent, however, he chose to remain absent in the matter. In order to avail him opportunity of hearing, this Court had adjourned the matter twice, but no one is coming forward on behalf of the Respondent to attend the present proceeding. Hence, it is clear that the Respondent is not interested in prosecuting the present Application. The Application is, therefore, taken up for final disposal.

3. The Applicant/wife, by way of the present Application, seeks transfer of the proceeding bearing Hindu Marriage Petition No. 563/2023 filed by the Respondent, pending on the file of 2nd Joint Civil Judge Senior Division, Wardha to the Family Court, Yavatmal.

4. According to the Applicant/wife, marriage between the parties was solemnized on 19/12/2021 and out of the said wedlock she blessed with female child namely, Hansika, who is 3 years old and said child is residing with the Applicant. The Applicant further stated that she is taking due care of the child and it is difficult for her to travel along with the child from Yavatmal to Wardha. She further stated that she being a housewife, is not having independent source of earning, and therefore, she finds difficult to travel along with her minor child.

5. In addition to above, the Applicant also pointed out that she has filed the proceeding before the Judicial Magistrate First Class under the provisions of Protection of Women From Domestic Violence Act and in the said proceeding Respondent is already appeared. As such, the Respondent is already attending one of the proceeding at Yavatmal. In the circumstances, according to the Applicant, the proceeding filed by the Respondent is required to be transferred from 2nd Joint Civil Judge Senior Division, Wardha to Family Court, Yavatmal.

6. All averments made by the Applicant are remained uncontroverted in the matter. The averments are made on affidavit, and therefore, there is no reason to disbelieve the same.

7. As per the law laid down by the Hon'ble Supreme Court of India in the case of *N.C.V. Aishwarya V/s A. S. Saravana Karthik Sha, 2022 SCC OnLine SC 1199*, it is held that one of the factor while transferring the proceeding, inconvenience of the wife on the case to case is required to be considered by the Court. The specific observations of the Hon'ble Supreme Court in paragraph Nos.9 and 10 are 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.”

8. Considering the facts of the present matter that Applicant/wife is having minor child of three years and she has already filed one of the proceeding under the provisions of Protection of Women From Domestic Violence Act, it will be proper in the facts and circumstances of the case to transfer the proceeding from Wardha to Yavatmal. Hence, for the aforesaid reasons I proceed to pass following order.

ORDER

1. Misc. Civil Application is allowed.

2. The proceeding bearing Hindu Marriage Petition No. 563/2023 pending on the file of 2nd Joint Civil Judge Senior Division, Wardha is hereby transferred to the Family Court, Yavatmal.
3. 2nd Joint Civil Judge Senior Division, Wardha is directed to transfer the Record and Proceedings of the Hindu Marriage Petition No. 563/2023 to the Family Court, Yavatmal.
4. The parties are directed to appear before the Family Court, Yavatmal on 18th December, 2025.

[PRAVIN S. PATIL, J.]

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