



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

MISC. CIVIL APPLICATION (TR.) NO.829/2024

Priti w/o Grishma Tembhurne
Aged-30 yrs, Occupation Housewife,
C/o Praful Ramdas Raut
(Presently residing at following address)
Shrihari Apartment, Flat No.402, Plot
No. 44-45, Siddeshwar Nagar,
Dighori, Nagpur 440009

... **APPLICANT**

...VERSUS...

Grishma s/o Madhukar Tembhurne
Aged 36 years, Occupation Service
WCL Colony, Shakti Nagar, Buddha
Vihar, Q. No.NM-140, Durgapur
Gramin, Tah. Dist. Chandrapur
442404.

...**NON-APPLICANT**

Ms Naina P. Dhoke, Advocate for applicant
Shri H.P. Lingayat, Advocate for non-applicant

CORAM : **PRAVIN S. PATIL, J.**

DATED : **10.12.2025**

ORAL JUDGMENT

. Heard.

2. By this application, the applicant is seeking the transfer
of HMP No.144/2023 filed by non-applicant/husband before

learned Civil Judge Senior Division, Chandrapur to Family Court, Nagpur.

3. The submission of the applicant is that she is having a four years old child and distance between Nagpur to Chandrapur is near about 150 kms. and, therefore, it will cause inconvenient for her to travel at Chandrapur. The applicant further stated that she has filed the proceedings of maintenance at Family Court, Nagpur and another proceedings arising out of the Domestic Violence Act is pending before Judicial Magistrate First Class, Nagpur. Hence, it will be proper to transfer the proceeding from Chandrapur to Nagpur.

4. In response to the notices issued by this Court, the non-applicant appeared in the matter. The non-applicant has specifically pointed out that proceedings which are pending before learned Civil Judge Senior Division, Chandrapur, the evidence of both the parties is closed and matter is now posted for final argument. Hence, according to him, the applicant who has attended the proceedings in the matter at Chandrapur till the closing of the evidence, now cannot be permitted to seek transfer of the

proceedings from Chandrapur to Nagpur on the grounds which she has raised in the present application.

5. The applicant did not deny the fact that she attended the proceedings at Chandrapur. It is also clear from the record that after the marriage, the child was with the applicant/mother and along with the child, she has attended the proceedings at Chandrapur. If the applicant has attended the proceedings at Chandrapur along with the child till the closing of evidence, transfer of the proceedings at the fag end of trial from Chandrapur to Nagpur, will not be appropriate in the matter.

6. The non-applicant in this regard is justified in relying upon the judgment of Hon'ble Supreme Court of India in case of ***Aakanksha Vs. Vivek Mangal in Transfer Petition (Civil) No.743/2023***, wherein the Hon'ble Supreme Court of India observed in paragraph No.4 as under:

“4. As it appears from the record and the submissions of the learned counsel for the parties that the divorce matter pending at Saharanpur has already crossed the stage of recording of evidence and is at the stage of final decision, clubbing the said proceeding with the subject proceeding would serve no useful purpose.

Consequently, I do not find a good reason to transfer the subject proceedings instituted by the respondent-wife to a place where she might have to travel to attend the same.”

7. So also, the law laid down in the case of ***Anindita Das Vs. Srijit Das reported in (2006) 9 SCC 197***, the Hon’ble Supreme Court has made it clear that distance cannot a criteria to transfer the proceedings from one station to other. Hence, according to me, the judgment which are relied by the non-applicant are very much relevant with the matter.

8. The applicant has relied upon the judgment of Hon’ble Supreme Court in case of ***N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha reported in 2022 SCC Online SC 1199***. The perusal of this judgment, it is seen that the Hon’be Supreme Court has specifically held that after considering the facts and circumstances of the matter, if the Court is of the opinion that on the ground of economic soundness of both the parties, the social strata of the spouses and their behavioural pattern should be considered while dealing with the application under Section 24 of the Civil Procedure Code.

9. In the present matter, considering the behavioural pattern of the present applicant that she has attended the proceedings till the matter was posted for oral argument and now seeking transfer of the proceedings at the fag end of the matter clearly disentitled her for seeking transfer of the proceedings. Hence, for the reasons stated above, I do not find any merits in the present application. The application stands rejected.

(PRAVIN S. PATIL, J.)

R.S. Sahare