



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

MISC. CIVIL APPLICATION NO.934 OF 2024

Swapnil s/o. Ramesh Sambre
Vs.

Reshma @ Neha w/o Swapnil Sambre (Maiden Ku. Reshma d/o
Purushottam Bhoyar)

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

Court's or Judge's orders

Mr. N. R. Bhishikar, Counsel for the applicant.
Ms. R. K. Gadiwan, Counsel for the non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 29/01/2025

1. By this application, by invoking the jurisdiction under Section 24 of the Code of Civil Procedure, the applicant is seeking transfer of Special Civil Suit No.11/2023 pending before the learned Civil Judge Senior Division, Hinganghat to the Court of learned 14th Joint Civil Judge Senior Division, Nagpur so as to be tried and decided along with the Special Civil Suit No.391/2023.

2. The application is filed on the ground that the non-applicant is a legally wedded wife of the present applicant. Their marriage was solemnized was on 09.12.2017 at Nagpur as per Hindu rites and rituals, thereafter there was discord between the parties and various litigation were filed by both the sides. It is contended that the non-applicant wife has

filed a proceeding under the provisions of the Protection of Women from Domestic Violence Act against the applicant vide Criminal M.A. No.4136/2022, which is pending before the learned 15th Joint Civil Judge Senior Division and Additional Chief Judicial Magistrate, Nagpur. The another proceeding filed under Section 125 of the Code of Criminal Procedure (for short 'Cr.P.C.') by the non-applicant bearing No.E-469/2022, which is also pending before the Family Court, No.4, Nagpur. The Special Civil Suit No.11/2023 is filed by the non-applicant is at Hinganghat, whereas the Special Civil Suit bearing No.391/2023 is pending before the learned 14th Joint Civil Judge Senior Division, Nagpur. The learned Counsel for the applicant submitted that the issue involved in Special Civil Suit No.391/2023 and Special Civil Suit No.11/2023 which is pending before the Civil Judge Senior Division, Hinganghat is a similar issue and if both suits are decided separately at two different places, there would be multiplicity of the proceeding. In view of that, as the applicant who is resident of Hinganghat is already attending various proceedings at Nagpur, therefore the Special Civil Suit which is pending in the Court of Civil Judge Senior Division, Hinganghat shall be transferred to the Court of 14th Joint Civil Judge Senior Division, Nagpur.

3. Heard learned Counsel for the non-applicant. She strongly opposed the application

on the ground that the suit filed by the non-applicant is at an advanced stage and if it is transferred to the Nagpur, then the entire proceeding will be hampered. In view that, the application deserves to be rejected. She further submitted that the applicant is not attending the proceeding at Nagpur and therefore, it would be difficult for the non-applicant to secure his presence in the Court, in the said proceeding. In view of that the application deserves to be rejected.

4. After hearing both the sides and on perusal of the various documents, it reveals that in all three proceedings are already pending in a different Courts at Nagpur. One of the proceedings bearing M.A. 4136/2022 is pending in the Court of 15th Joint Civil Judge Senior Division and Additional Chief Judicial Magistrate, Nagpur. The application filed by the non-applicant under Section 125 of Cr.P.C. bearing E-469/2022 is pending before the Family Court No.4, Nagpur and Special Civil Suit No.391/2023 is also pending before the 14th Joint Civil Judge Senior Division, Nagpur. The issue which is involved in the Special Civil Suit bearing No.11/2023 and 391/2023 is similar and therefore, it would be convenient and in the interest of justice, it is decided by the same Court. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.

(ii) The Special Civil Suit No.11/2023 pending before the learned Civil Judge Senior Division, Hinganghat is withdrawn and transferred to the 14th Joint Civil Judge Senior Division, Nagpur, so as to be tried and decided along with the Special Civil Suit No.391/2023 wherein the similar subject matter is involved.

(iii) Both the parties shall appear before the 14th Joint Civil Judge Senior Division, Nagpur on **10.02.2025**.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)