



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
MISC. CIVIL APPLICATION NO. 1040 OF 2024**

Mrs. Rachana w/o Roshan Poreddiwar
Aged about : 37 Years, Occu : Housewife;
R/o Flat No. 1406, Narendra Heights,
Narendra Nagar, Nagpur-440015.

... APPLICANT

VERSUS

Roshan s/o Babanrao Poreddiwar
Aged about : 42 Years, Occu : Private Job,
R/o Flat No. D-401, 4th Floor, Laxmi Deep
Society, Near Tip-Top International Hotel,
Wakad, Pune-411057.

... NON-APPLICANT

Mr. T. M. Barapatre, Advocate for Applicant.
Mr. A. S. Thotange, Advocate for Non-applicant.

**CORAM : PRAVIN S. PATIL, J.
DATE : DECEMBER 05, 2025.**

ORAL JUDGMENT

. Heard Mr. T. M. Barapatre, learned Counsel for the Applicant and
Mr. A. S. Thotange, learned Counsel for the Non-applicant.

2. By this Application, the Applicant/wife is seeking transfer of
Petition No.1691/2023 pending on the file of 3rd Joint Civil Judge Senior
Division, Pune to the Court of Family Court, Nagpur.

3. The submission of the present Applicant is that distance between Nagpur to Pune is near about 700 kms. The Applicant stated that she has filed the proceeding under the provisions of Protection of Women from Domestic Violence Act before the Judicial Magistrate First Class, Nagpur as well as the proceedings for maintenance at Family Court, Nagpur. Hence, considering the fact that two proceedings are already pending at Nagpur, she prayed that proceeding filed by the Non-applicant/husband at Pune for divorce be transferred to the Family Court, Nagpur.

4. The learned Counsel for Non-applicant strongly opposed the Application. He stated that the house in which the Applicant is residing is purchased by him for investment purpose. Now the Applicant is not allowing him to enter into the house, and if any attempt is made, then threatened to lodge police complaint. As such, considering this behaviour of the Applicant in the matter, it is not possible for him to attend proceeding at Nagpur. He stated that the Non-applicant is rendering service at Pune, and it will be difficult for him to attend the proceeding at Nagpur in the matter. Hence, for these reasons, he stated that application deserves to be rejected.

5. In the facts and circumstances, the convenience of the wife is one

of the factor which is required to be looked into coupled with the facts that she has filed two proceedings before the Judicial Magistrate First Class and Family Court, Nagpur and both proceedings are pending. The Non-applicant, who is otherwise attending two proceedings at Nagpur, can attend the proceeding, if same is transferred at Nagpur. Proceeding being interdependent and arising out of matrimonial discord, will be decided together at Nagpur.

6. In my view, the Judgment of the Hon'ble Supreme Court in the case of *N.C.V Aishwarya V/s A. S. Saravana Karthik Sha, 2022 SCC OnLine SC 1199*, would be relevant in the matter. As per the said Judgment of the Hon'ble Supreme Court, all material facts which are placed on record needs to be considered by the Court and every case is to be decided independently. The 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.”

7. In the facts and circumstances of the present matter, admittedly, the distance from Nagpur to Pune is 700 kms. The Applicant has already filed two proceedings at Nagpur. Therefore, in any case, the Non-applicant will have to appear in the pending two cases at Nagpur. One of the case is filed for maintenance before the Family Court, Nagpur, and therefore, if the proceeding which is filed by the Non-applicant at Pune, is transferred to the Family Court, Nagpur, no much prejudice would be caused to the Non-applicant, rather it will be convenient for both the parties to prosecute before the same Court.

8. In the circumstances, in my opinion, to meet the ends of justice, following order will be subversed the purpose in the matter. Resultantly, I proceed to pass following order.

ORDER

1. Misc. Civil Application is allowed.
2. The Petition No. 1691/2023 pending before the 3rd Joint Civil Judge Senior Division, Pune is hereby transferred to the Family Court, Nagpur.
3. 3rd Joint Civil Judge Senior Division, Pune is requested to transfer the Record and Proceeding of Petition No. 1691/2023 to the Family Court, Nagpur.
4. The Non-applicant is permitted to attend the proceeding before the Family Court, Nagpur through Video Conferencing with clear understanding that he has to secure his physical attendance as and when required before the Family Court, Nagpur.
5. No order as to costs.

[PRAVIN S. PATIL, J.]

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