



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

MISC. CIVIL APPLICATION NO. 1069 OF 2024

Pooja w/o Abhishek Dhore ... APPLICANT

Versus

Abhishek s/o Shilwan Dhore ... RESPONDENT

Mr. A. S. Ambatkar, Advocate for Applicant.

Mr. A. R. Bagde, Advocate for Respondent.

CORAM : PRAVIN S. PATIL, J.

DATE : SEPTEMBER 30, 2025.

ORAL ORDER

. Heard Mr. A. S. Ambatkar, learned Counsel for Applicant and Mr. A. R. Bagde, learned Counsel for Respondent.

2. By this Application, the Applicant/wife is seeking transfer of the proceeding bearing Petition (A) No. 196/2024 pending on the file of Family Court No.2, Nagpur to the Civil Judge Senior Division, Chandrapur.

3. It is the submission of the Applicant that she has filed the proceedings under the provisions of Protection of Women from Domestic Violence Act before the Chief Judicial Magistrate, Chandrapur bearing Misc. Criminal Case N. 46/2024. She further stated that the First Information Report

is also registered against the Respondent under Section 498-A read with Section 34 of Indian Penal Code which was lodged by her at Police Station, Durgapur, District Chandrapur. Therefore, it is her submission that as the Respondent is already attending the proceeding at Chandrapur, no inconvenience will be caused to him to attend the proceeding at Chandrapur.

4. The learned Counsel for Respondent has strongly opposed the Application. It is his submission that the Respondent has filed the proceedings bearing Petition (A) No.196/2024 first in time than the proceeding initiated by the Applicant. However, only as a counter-blast to the proceedings filed by the Respondent, the Applicant/wife has filed the proceeding at Chandrapur.

5. I have heard learned Counsel for both sides and gone through the record of the present Application.

6. It is not disputed by the Respondent that he is attending the proceedings at Chandrapur, which are initiated by the Applicant. It is further seen that immediately after the receipt of notice of Petition (A) No.196/2024, she approached before this Court and sought transfer of the proceeding from Nagpur to Chandrapur. This Court has granted interim relief and thereby the proceeding pending at Nagpur is now stayed.

7. It is well settled position of law, as 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*** that convenience of the wife in matters is required to be looked into while exercising the powers under Section 24 of the Code of Civil Procedure. The Hon'ble Supreme Court has observed in paragraph Nos.9 and 10 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. In view of this settled principle of law, it is necessary to consider

the wife's convenience. So also it is desirable that all the cases between the parties be tried together or at least at same station.

9. In the present case admittedly distance between Chandrapur and Nagpur is 160 kms. The statement of Respondent is that he is serving at Warud and if he has to attend the proceeding at Chandrapur, he has to travel at least 240 kms, therefore according to him, Nagpur is the appropriate place for him to attend the proceeding. But the fact remains that Respondent is attending the proceeding from Warud to Nagpur, then he can attend the proceeding at Chandrapur also.

10. In my opinion, if the Lawyer is engaged in the matter, it is not necessary for the Respondent to attend each and every date before the Court at Chandrapur. His attendance would be required as and when the evidence is to be recorded or for any other like reason. As such on that dates he can personally appear in the matter and for remaining dates, he can attend the proceeding through Video Conferencing.

11. Therefore, considering the overall factual aspect of the matter, I proceed to pass following order.

ORDER

1. Misc. Civil Application is allowed.
 2. The Petition (A) No. 196/2024 pending on the file of Family Court No.2, Nagpur is transferred to the Civil Judge Senior Division, Chandrapur.
 3. The Family Court, Nagpur is directed to transfer the Record and Proceeding of Petition (A) No. 196/2024 to the Civil Judge Senior Division, Chandrapur.
 4. It is made clear that the Respondent can attend the proceedings before the Civil Judge Senior Division, Chandrapur through Video Conferencing, however, he has to attend the proceeding personally as and when required in the matter.
 5. The parties are directed to appear before the Civil Judge Senior Division, Chandrapur on 15th October, 2025.
12. Misc. Civil Application stands disposed of in above terms. No order as to costs.

[PRAVIN S. PATIL, J.]