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

MISC. CIVIL APPLICATION NO. 230 OF 2025

Kavya w/o Rohit Desai ... APPLICANT

Versus

Rohit s/o Suresh Desai ... NON-APPLICANT

Mr. R. N. Badhe, Advocate for Applicant.
Mr. A. T. Sheikh, Advocate for Non-applicant.

CORAM : PRAVIN S. PATIL, J.
DATE : SEPTEMBER 30, 2025.

ORAL ORDER

. Heard Mr. R. N. Badhe, learned Counsel for Applicant and Mr. A.T. Sheikh, Advocate for Non-applicant.

2. By this Application, the Applicant is seeking transfer of Petition A-43/2025 (Rohit Desai V/s Kavya Desai) pending before the Family Court No.1, Kolhapur to the Family Court at Nagpur.

3. The ground for seeking transfer from Kolhapur to Nagpur, at the instance of Applicant/wife is that, distance between these two places is near about 1000 kms. According to the Applicant, by train it requires at around 25 hours to reach at Kolhapur from Nagpur. The Applicant also pointed out that

her parents, being an old aged persons, are facing various health issues and required the medical assistance time to time. In such circumstances, it is impossible for her to attend the proceeding at Kolhapur. To support the submission that her parents are suffering from various ailments, the Applicant has placed on record the medical certificate and other details.

4. The Non-applicant, who appeared in the matter in response to the notice issued to him, stated that the Applicant is business-woman and for business purpose she is always travelling from one station to another, and therefore, it will not be difficult for her to attend the proceeding at Kolhapur.

5. I have heard both the Counsels and perused the rival submissions, which they have made in the present Application.

6. It is seen from the record that distance between Nagpur to Kolhapur is around 1000 kms. The Applicant, who is having old aged parents and are suffering various ailments, it will certainly found difficult for her to attend the proceeding at Kolhapur. Non-applicant, except bald statement that Applicant is business-woman and for business purpose she always travelled single, nothing has placed on record to substantiate his submission. Hence, same cannot be accepted in the matter.

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 the present case, I found that distance between Kolhapur and Nagpur being more than 1000 kms, and parents of the Applicant are suffering from various ailments, it will be justified to transfer the proceeding from Kolhapur to Nagpur. Hence, I proceed to pass following order.

ORDER

1. Misc. Civil Application is allowed.

2. The Petition No. A-43/2025 *(Rohit Desai V/s Kavya Desai)* pending before the Family Court No.1, Kolhapur is transferred to the Family Court at Nagpur.

3. The Family Court No.1 Kolhapur is directed to transfer the Record and Proceeding of Petition No. A-43/2025 to the Family Court at Nagpur.

4. The Non-applicant is permitted to attend the proceeding through Video Conferencing and his personal attendance will be secured as and when required in the matter by the order of the Court.

5. The parties are directed to appear before the Family Court at Nagpur on 15th October, 2025.

9. Misc. Civil Application stands disposed of in above terms. No order as to costs.

[PRAVIN S. PATIL, J.]

vijaya

Signed by: Mrs. V.G. Yadav
Designation: PS To Honourable Judge
Date: 01/10/2025 19:38:25