



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

MISC. CIVIL APPLICATION NO. 236 OF 2025

Sau. Saranga w/o Pankaj Kohre ... APPLICANT

Versus

Pankaj s/o Vijay Kohre ... NON-APPLICANT

Ms. Archana P. Murrey, Advocate (Appointed) for the Applicant.
None for the Non-applicant.

CORAM : PRAVIN S. PATIL, J.
DATE : SEPTEMBER 24, 2025.

ORAL ORDER

. Heard Ms. A. P. Murrey, learned Counsel (Appointed) for the Applicant. None appeared for the Non-applicant, though served.

2. This Court, by order dated 17/4/2025 issued notices to the Non-applicant. The office note shows that notices were duly served on the Non-applicant and learned Counsel Mr. P. B. Rede has filed Vakalatnama on behalf of the Non-applicant through e-filing and filed reply. In view of filing Vakalatnama through online, this Court, by order dated 20/9/2025 listed the matter for hearing, but on that day Mr. Rede was absent. Therefore, in order to give one more opportunity to the Non-applicant, the matter was adjourned.

3. The office note shows that Mr. Rede, learned Counsel for the Non-applicant, though filed Vakalatnama through e-filing, has neither uploaded challan for court-fees nor paid court-fees online, and therefore, his Vakalatnama was rejected by the Registry of this Court.

4. Today, in the morning session none appeared for the Non-applicant. So also in the afternoon session, no one appeared in the matter on behalf of the Non-applicant. In the circumstances, this matter is taken up for final disposal.

5. By this Application, the Applicant/wife is seeking transfer of Hindu Marriage Petition No. 79/2024 pending on the file of Family Court, Akola to the Joint Civil Judge Senior Division, Wardha.

6. It is the submission of the Applicant that she is permanently residing at Wardha and distance between Wardha to Akola is 200 kms. She further stated that proceeding bearing Application No. 32/2024 under the provisions of Protection of Women from Domestic Violence Act is filed before the Judicial Magistrate First Class, Wardha. The Non-applicant is regularly attending the said proceeding. Hence, it is the submission of the Applicant that

only to counter-blast, the proceeding for divorce is filed by the Non-applicant before the Family Court, Akola.

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 matter, Applicant/wife is residing at Wardha and having a son of three years old. The distance between Akola to Wardha is 200 Kms., therefore, it will be difficult for her to travel with her minor child at Akola. Furthermore, she has already filed proceeding before the Judicial Magistrate First Class, Wardha. The Non-applicant is regularly attending the proceeding at Wardha. Hence, considering the law laid down by the Hon'ble Supreme Court, as stated above, there is no impediment to transfer the proceeding filed by the Non-applicant from Family Court, Akola to the Joint Civil Judge Senior Division, Wardha. Resultantly, following order is passed.

ORDER

- (1) The Hindu Marriage Petition No. 79/2024 filed by the Non-applicant pending on the file of Family Court, Akola is hereby transferred to the Joint Civil Judge Senior Division, Wardha.
- (2) The Family Court, Akola is directed to transfer/handover the Hindu Marriage Petition No. 79/2024 with record and proceedings to the Joint Civil Judge Senior Division, Wardha.
- (3) The parties are directed to appear before the Joint Civil Judge Senior Division, Wardha on 15th October, 2025.

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

10. Ms. A. P. Murrey, learned Counsel (Appointed) appeared in the matter on behalf of the Applicant/wife. Her profession fees be quantified as per Rules.

[PRAVIN S. PATIL, J.]

vijaya