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

MISC. CIVIL APPLICATION NO. 380 OF 2025

Varsha Ashok Ranit

... APPLICANT

Versus

Ashok Chandrabhan Ranit

... RESPONDENT

Ms. A. V. Patil, Advocate for Applicant.

CORAM : PRAVIN S. PATIL, J.

DATE : OCTOBER 03, 2025.

ORAL ORDER

. Heard Ms. A. V. Patil, Advocate for Applicant.

2. By this Application, the Applicant is seeking transfer of HMP No.160/2024 (*Ashok V/s Varsha*) pending on the file of Civil Judge Senior Division, Niphad, District Nashik to the Civil Judge Senior Division, Khamgaon, District Buldhana.

3. It is stated by the Applicant that the marriage between Applicant and Respondent has been solemnised on 18/12/2005 and out of the said wedlock they are blessed with one son namely, Shubham. It is stated that since birth Shubham is mentally and physically abnormal and due to his ill-health he

is completely bed-ridden and the Applicant, being mother, is required to take care of him.

4. It is further pointed out that due marital discord, the Applicant has already filed the proceeding under the provisions of Protection of Women from Domestic Violence Act before the Judicial Magistrate First Class, Jalgaon Jamod bearing Case No.3/2024. It is also stated that the Non-applicant is attending the proceeding at Jalgaon Jamod.

5. This Court, considering these difficulties of the Applicant, issued notice to the Non-applicant on 26/6/2025. The record shows that Non-applicant was duly served, but none appeared on his behalf. After the service of notice on the Non-applicant, this Court, by order dated 17/9/2025 adjourned the matter, in order to give one more opportunity to him to appear in the matter. Today again in the morning session when the matter was called out, none appeared for the Non-applicant, hence, the matter is kept back in the afternoon session, so that if someone appeared on behalf of the Non-applicant, an opportunity can be granted to him for hearing in the matter, but no one turned up to this Court in the matter in the afternoon session also. Hence, this Court constrained to proceed with the matter and decide the same on its own merit.

6. I have heard learned Counsel appearing for the Applicant. She has placed on record the documents to support her submission, which are not controverted by the Non-applicant. 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* has specifically 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.”

7. In the light of abovesaid factual position, firstly for the reason that since birth son Shubham is mentally and physically abnormal and secondly the

applicant has already filed the proceeding at Jalgaon Jamod and the Non-applicant is attending the same, I am of the opinion that there is no impediment to transfer the proceeding from Civil Judge Senior Division, Niphad, District Nashik to Civil Judge Senior Division, Khamgaon, District Buldhana. Hence, I proceed to pass following order.

ORDER

1. Misc. Civil Application is allowed.
 2. The proceeding bearing HMP No. 160/2024 (*Ashok V/s Varsha*) pending on the file of Civil Judge Senior Division, Niphad, District Nashik is hereby transferred to the Civil Judge Senior Division, Khamgaon, District Buldhana.
 3. The Civil Judge Senior Division, Niphad, District Nashik is directed to handover/transfer the record and proceeding of HMP No.160/2024 to the Civil Judge Senior Division, Khamgaon, District Buldhana.
8. Misc. Civil Application stands disposed of in above terms. No order as to costs.

[PRAVIN S. PATIL, J.]