



19.mca.382.2025.odt

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

MISC. CIVIL APPLICATION NO. 382 OF 2025

Sau. Vanshri w/o Abhijit More
alias Vanshri d/o Ramesh Ambadkar

... APPLICANT

Versus

Abhijit Arun More

... NON-APPLICANT

Mr. T. N. Thombre, Advocate for Applicant.
Mr. A. P. Barahate, Advocate for Respondent.

CORAM : PRAVIN S. PATIL, J.
DATE : OCTOBER 06, 2025.

ORAL ORDER

. Heard Mr. T. N. Thombre, learned Counsel for the Applicant and
Mr. A. P. Barahate, learned Counsel for the Respondent.

2. By this Application, the Applicant is seeking transfer HMP No.
104/2025 from the Court of Joint Civil Judge Senior Division and Additional
Chief Judicial Magistrate, Khed, District Ratnagiri to the Family Court at
Nagpur.

3. It is the submission of the present Applicant that after the
matrimonial dispute arose between the parties, she has been shifted to present

address i.e. at Nagpur and residing with her parents. She has filed the proceedings under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights bearing Petition No. A-261/2025 before the Family Court, Nagpur and Petition No. E-96/2025 under Section 144 of the Bhartiya Nagarik Suraksha Sanstha, 2023 for grant of maintenance. She also pointed out that Non-applicant is attending the proceedings at Nagpur. It is stated that as a counter-blast and to harass the present Applicant, Non-applicant has deliberately filed the proceeding at Civil Judge Senior Division and Additional Chief Judicial Magistrate, Khed, District Ratnagiri for divorce. It is stated that the distance between Khed and Nagpur is near about 956 kms., therefore, she is unable to attend the proceeding at such a long distance from her residential place.

4. The Non-applicant stated that the reasons given in the Application to transfer the proceeding are not justified. It is stated that the Applicant is a working woman doing stock market trading, and therefore, she can very well attend the proceeding at Khed, District Ratnagiri. He also pointed out that he is not residing permanently at Pune. He is presently doing the job through work from home, and therefore, he is residing at Khed, District Ratnagiri.

5. I have heard learned Counsel for both sides and gone through the

record. It is admitted fact that the Applicant has filed proceeding at Family Court, Nagpur and Non-applicant is attending the same. So also the distance between Nagpur and Khed, Distrit Ratnagiri is about 956 kms., therefore, it will be expedient to transfer the proceeding from Khed to Nagpur.

6. 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. Hence, considering the above legal position and the fact that one proceeding is already pending at Nagpur, I am of the opinion that Application deserves to be allowed. Resultantly, I proceed to pass following order.

ORDER

1. Misc. Civil Application is allowed.
2. The proceeding bearing HMP No. 104/2025 pending on the file of Joint Civil Judge Senior Division and Additional Chief Judicial Magistrate, Khed, District Ratnagiri is hereby transferred to the Family Court at Nagpur.
3. The learned Civil Judge Senior Division and Additional Chief Judicial Magistrate, Khed, District Ratnagiri is directed to handover/transfer the record and proceeding of HMP No.104/2025 to the Family Court at Nagpur.
4. Parties are directed to appear before the Family Court, Nagpur on 28th November, 2025.

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

[PRAVIN S. PATIL, J.]