



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
MISC. CIVIL APPLICATION NO. 409 OF 2025**

Sau. Kiran Rajesh Thakre
Aged : 40 Years, Occu : Household; R/o –
C/o Gajanan Balaji Mahulkar, Nimboli,
Tahsil Dhamangaon Railway, District
Amravati.

... APPLICANT

VERSUS

Rajesh Sheshrao Thakre
Aged : 45 Years, Occu : Service, R/o
Mhaisang, Tahsil and District Akola.

... NON -APPLICANT

Mr. C. A. Babrekar, Advocate for Applicant.
None for the Non-applicant.

**CORAM : PRAVIN S. PATIL, J.
DATE : DECEMBER 12, 2025.**

ORAL JUDGMENT

. Heard Mr. C. A. Babrekar, learned Counsel for the Applicant.

None appeared for the Non-applicant, though served.

2. By this Application, the Applicant/wife is seeking transfer of the
Petition No.A-105/2024 filed by the Non-applicant/husband pending on the
file of Family Court, Akola to the Civil Judge Senior Division, Amravati.

3. In view of the prayer made by the Applicant, this Court has issued

notice to the Non-applicant on 8/7/2025, however, the record shows that despite service of notice on the Non-applicant in the month of August-2025, till date, neither the Non-applicant appeared in Court nor anyone put appearance on his behalf in the matter. Hence, it is crystal clear that Non-applicant has lost interest in prosecuting the present Application.

4. The ground raised by the Applicant is that she is residing with minor children and she is maintaining them by doing daily wages work. The Non-applicant did not pay monthly maintenance regularly to the Applicant. It is also stated that the Applicant has already filed the proceeding under the provisions of Protection of Women From Domestic Violence Act before the Judicial Magistrate First Class, Dhamangaon. The Non-applicant is already attending that proceeding at Dhamangaon. Hence, according to the Applicant considering this peculiar facts and financial condition of the Applicant, it is not possible for her to travel from her village Nimboli, Tahsil Dhamangaon, District Amravati to Akola for attending the proceeding.

5. The grounds raised by the Applicant in the present Application are remained uncontroverted due to absence of Non-applicant. So also the record shows that in a proceeding filed under the provisions of Protection of Women

from Domestic Violence Act the Non-applicant is already attending that proceeding at Dhamangaon Railway. The Applicant has specifically pointed out that due to paucity of fund, the Applicant is unable to attend the proceeding at Family Court, Akola. As a result of which, the proceeding filed by the Non-applicant at Akola proceeded exparte against her and the matter is now fixed for recording evidence before the Family Court, Akola. This is also one of the ground which requires to be considered while considering the present Application.

6. It is pertinent to note that as per the law 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***, it is held that in such peculiar facts and circumstances of the case while deciding the convenience of the parties, standard of living and their practical difficulties, are also required to be considered. The Hon'ble Supreme Court has specifically laid down the law 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.”

In view of the law laid down by the Hon'ble Supreme Court and by considering the facts that Applicant is maintaining children by doing daily wages work and she is not getting monthly maintenance regularly from the Non-applicant, I am of the opinion that the Applicant has made out a case for transfer of the proceeding from Family Court, Akola to Civil Judge Senior Division, Amravati. In the result, I proceed to pass following order.

ORDER

1. The Misc. Civil Application is allowed.
2. The proceeding bearing Petition No. A-105/2024 filed by the Non-applicant/husband pending on the file of Family Court, Akola is hereby transferred to the Civil Judge Senior Division, Amravati.

3. The Family Court, Akola is requested to transfer the Record and Proceedings of Petition No. A-105/2024 to the Civil Judge Senior Division, Amravati.
4. No order as to costs.

[PRAVIN S. PATIL, J.]

vijaya