



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

MISC. CIVIL APPLICATION (TR.) NO.417/2025

Sou. Kiran @ Renuka w/o Sudarshan Patel
Age: 30 yrs., Occ: Housewife,
R/o. C/o. Rameshrav Chovhan
Plot No.36, Ward No.4, Somnath
Layout, Near N.R. Jim, Sindi Meghe
Tha. And Dist. Wardha

... APPLICANT

...VERSUS...

Shri Sudarshan s/o Raghunath Patel
Age: 34 yrs, Occ: Service
R/o Flat No.804, Code No.2,
Menlo House, Karadi Next,
Wagholi, Near H.P. Petrol Pump,
Puen, Tah and Dist. Pune 412207

...NON-APPLICANT

Shri R.A. Biranware, Advocate for applicant

CORAM : PRAVIN S. PATIL, J.

DATED : 21.11.2025

ORAL JUDGMENT

. Heard.

2. By this application, the applicant is seeking the transfer
the Petition No.A-934/2025 pending on the file of Family Court
No.7, Pune, District Pune, to Civil Judge Senior Division, Wardha.

3. It is seen from the record that this Court by order dated 08.07.2025, issued notice to the non-applicant. However, for a long period, it was awaited. Hence, by order of this Court dated 11.09.2025, permission was granted to serve the non-applicant by private mode of service in addition to the regular mode of service. Accordingly, the applicant has served the non-applicant by private mode of service and placed on record the affidavit dated 14.11.2025. After filing of the affidavit, this Court again granted an opportunity to the non-applicant and adjourned the matter with a hope that non-applicant will appear and contest the present application. However, none appear for the non-applicant. Hence, it is clear that non-applicant is not interested to prosecute the present application. Hence, I proceed to decide the present application on its own merits.

4. The contention of the present applicant for transfer of proceedings from Pune to Wardha is that the distance between the two stations is near about 600 kms. So also, stated that the applicant has already filed the proceedings before the learned Chief Judicial Magistrate, Wardha bearing Criminal Case No.171/2024

under the provisions of the Protection of Women from Domestic Violence Act, 2005 and Hindu Marriage Petition No.271/2025, for divorce before learned Civil Judge, Senior Division, Wardha. Hence, no prejudice will be caused to the non-applicant if proceedings filed by him are transferred to Wardha.

5. It is pointed out that the proceedings filed by the non-applicant at Pune are also for seeking divorce under Section 13(1) (i-a) of the Hindu Marriage Act and if same continued, there would be diversity of the judgment. Hence, the interference of this Court is required in the matter.

6. In the present matter, as non-applicant did not appear before this Court, all the averments, which are made in the application are remain uncontroverted. I have no reason to disbelieve the contents made in the application as they are on affidavit. Hence, I accept all the averments and contentions raised in the present appeal as true and correct.

7. In light of above facts of the present matter, the law laid down by the Hon'ble Supreme Court, in case of **N.C.V.**

Aishwarya Vs. A.S. Saravana Karthik Sha in Civil Appeal No. 4894 of 2022 (Arising out of SLP (C) No. 16465 of 2021) is specifically followed in the matter. The Hon'ble Supreme Court has observed in paragraph 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, admittedly the wife has filed the proceedings for divorce at Wardha. The date of filing of the said

petition before the Civil Judge Senior Division, Wardha is of May 2025. Whereas the proceedings which non-applicant has filed before the Family Court, Pune is also in the month of May 2025. Therefore, both cases are interdependent and if both the proceedings are continued at separate stations, there will be diversity in the judgment of the Court in identical matter.

9. Considering the factual aspects involved in the matter, the law laid down by the Hon'ble Supreme Court is squarely applicable. In the circumstances, I am of the opinion that it is the fit case for interference of this Court in the matter. Accordingly, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The Petition No.A-934/2025 pending before the Family Court, Pune is hereby transferred to learned Civil Judge Senior Division, Wardha.
- iii) Learned Family Court No.7, Pune is directed to transfer the record and proceedings of Petition No.A-934/2025 to learned Civil Judge Senior Division, Wardha.

iv) Learned Civil Judge Senior Division, Wardha is further directed to club the Petition No.A-934/2025 along with Hindu Marriage Petition No.271/2025 and tried the same together on its own merits.

v) The parties are directed to appear before learned Civil Judge Senior Division, Wardha on 18.12.2025.

10. The application stands disposed of in above terms. No order as to the costs.

(PRAVIN S. PATIL, J.)

R.S. Sahare