



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

MISC. CIVIL APPLICATION (TR.) NO.488/2025

Hrutika W/o Abhijeet Choudhari @
Hrutika D/o Vasantrya Padol,
Aged about 26 years, Occupation: Nil,
R/o Deva Tower, Chikhli Road,
Buldhana Tah. and Dist. Buldhana.

... **APPLICANT**

...VERSUS...

Abhijeet S/o Ramdas Choudhari,
Aged about 32 years, Occupation:
Service, R/o Flat No.404, Pushpashree
Apartment, old bypass road,
Ganuwadi, Amravati, Tah. and
Dist. Amravati.

... **NON-APPLICANT**

Ms Ayushi V. Dalal, Advocate for applicant
Shri P.S. Thakur, Advocate for non-applicant

CORAM : **PRAVIN S. PATIL, J.**

DATED : **18.12.2025**

ORAL JUDGMENT

. Heard.

2. By this application, the applicant is seeking the transfer of Marriage Petition No.182/2025 filed by non-applicant husband before Principal Judge Family Court, Amravati to Principal Judge, Family Court, Buldhana.

3. It is the submission of the present applicant that she is residing at Buldhana with her mother. The father of the applicant is already expired. She has also stated that two proceedings are already filed before the Family Court Buldhana. One proceedings bearing EP No.41/2025 was filed under Section 143 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of maintenance and another case bearing AP No.57/2025 for Restitution of Conjugal Rights.

4. It is also pointed out that non-applicant is already attending the proceedings bearing AP No.57/2025 before the Family Court, Buldhana. Hence, according to the applicant, no prejudice will be caused to the non-applicant, if the proceedings filed by him at Family Court, Amravati are transferred to Family Court, Buldhana.

5. In response to the notices issued by this Court the non-applicant appeared in the matter. He has stated that it is not the case that non-applicant has filed proceedings for divorce as a counterblast to the proceedings, which applicant has filed at Buldhana. According to him, due to their difference of opinion, it is not possible for them to reside together and, therefore, he has independently filed the proceedings at Amravati. He further stated that non-applicant is a well educated lady and she can very well attend the proceedings at Amravati physically or through video conferencing. Hence, according to him, this is not a fit case for transfer from Amravati to Buldhana.

6. In light of rival submission made by the parties, it will be relevant to refer the judgment of the Hon'ble Supreme Court of India 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)*, wherein the Hon'ble Supreme Court has specifically observed in para 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. As per the law laid down by the Hon’ble Supreme Court if two or more proceedings are arising out of the same dispute and they are inter-dependable on each other. In such circumstances, it is always desirable that all the proceedings should be conducted and tried together by any one Court so that there should not be complicity in the judgment and order of the matters.

8. In the present case, admittedly, the proceedings under Section 9 of the Restitution of Conjugal Rights is pending before the Family Court, Buldhana. The non-applicant is already attending the said proceedings at Buldhana. In such circumstances, if the proceedings filed by applicant at Family Court, Amravati are transferred, it will be justified and proper in the interest of both the parties to get decided both the proceedings at one station or by one Court. So also, there will be no diversity of judgments in the matter.

9. It is further pertinent to note that the applicant is residing with her mother and is no one in her family to look after the mother and travel along with present applicant from Buldhana to Amravati. In such circumstances, I am of the opinion that following orders would subserve the justice in the matter. Hence, I proceed to pass the following order:

ORDER

- I) The application is allowed.
- ii) The Marriage Petition No.182/2025 pending on the file of Principal Judge Family Court, Amravati, is hereby transferred to Principal Judge Family Court, Buldhana.

iii) The Principal Judge Family Court, Amravati is directed to transfer the record and proceedings of Petition No.182/2025 to the Principal Judge, Buldhana.

iv) The non-applicant is permitted to attend the proceedings through video conferencing at Buldhana with the rider that as and when his physical attendance is required, he will have to attend proceedings physically before the Family Court, Buldhana.

10. The application stands disposed of in above terms.

(PRAVIN S. PATIL, J.)

R.S. Sahare