



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

MISC. CIVIL APPLICATION NO. 504 OF 2025

Mrs. Anuja Rahul Patil
Aged About : 29 Years; Occu : Housewife;
R/o C/o Pushparaj Humane, Plot No.15,
Gangabag, Kirtidhar Society, Punapur Road,
Pardi, Nagpur – 440008.

... APPLICANT

VERSUS

Rahul s/o Moreshwar Patil
Aged about : 32 Years, Occu : Service; R/o
304, New S.R.A. Building, 3rd Floor,
Devipada, Borivali (East), Mumbai 400 066.

... RESPONDENT

Ms. S. P. Nimbalkar, Advocate for Applicant.
None for the Respondent.

CORAM : PRAVIN S. PATIL, J.
DATE : NOVEMBER 17, 2025

ORAL JUDGMENT

. Heard Ms. S. P. Nimbalkar, learned Counsel for Applicant. None appeared for the Respondent, though served.

2. By this Application, the Applicant/wife is seeking transfer of the proceeding bearing Petition No. A-3143/2024 pending on the file of Family Court No.4, Bandra, Mumbai to the Family Court, Nagpur.

3. In the present matter, notice was issued to the Respondent and the same is duly served, however, no one has put appearance on behalf of the Respondent. This Court, vide order dated 10/11/2025, in order to grant one more opportunity to the Respondent, adjourned the matter, however, none appeared on behalf of the Respondent. Hence, it is clear that the Respondent has lost interest in prosecuting the present Application.

4. It is stated that after arising the matrimonial dispute between the Applicant and Respondent, she has started residing at Nagpur. The Applicant has already filed Misc. Criminal Application No.1914/2025 under Section 12 of the Protection of Women from Domestic Violence Act before the Chief Judicial Magistrate, Nagpur. In the said proceeding notice was duly served to the Respondent and he is attending the said proceeding.

5. The Applicant further stated that she is residing at the mercy of her parents, and therefore, she is not having any independent source of earning. According to the Applicant, distance between Nagpur to Bandra, Mumbai is near about 700 kms, and therefore, it will be impossible for her to attend the proceeding at Bandra, Mumbai.

6. The contentions raised by the Applicant are not controverted in the matter. As stated above, none appeared for the Respondent, therefore, the averment made by the Applicant on affidavit cannot be said to be incorrect.

7. 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*, more particularly, in respect of consideration of transfer of matrimonial proceedings, 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.”

In view of above factual as well as legal position, I am of the opinion that the Applicant has made out a case for transfer of Petition No. A-3143/2024. In the result, I proceed to pass following order.

ORDER

1. Misc. Civil Application is allowed.
2. The proceeding bearing Petition No. A-3143/2024 pending on the file of Family Court No.4, Bandra, Mumbai is hereby transferred to the Family Court, Nagpur.
3. The Family Court No.4, Bandra, Mumbai is directed to transfer the Record and Proceedings of the Petition No. A-3143/2024 to the Family Court, Nagpur.
4. The parties are directed appear before the Family Court, Nagpur on 21st January, 2026.

[PRAVIN S. PATIL, J.]