



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

MISC. CIVIL APPLICATION NO. 553 OF 2025

Dipali Sanket Bhalme ... APPLICANT

Versus

Sanket Diwakarrao Bhalme ... NON-APPLICANT

Mr. C. P. Chandurkar, Advocate for Applicant.

Mr. A. J. Giri, Advocate for Non-applicant.

CORAM : PRAVIN S. PATIL, J.

DATE : OCTOBER 14, 2025.

ORAL ORDER

. Heard Mr. C. P. Chandurkar, learned Counsel for the Applicant and
Mr. A. J. Giri, learned Counsel for the Non-applicant.

2. By this Application, the Applicant is seeking transfer of HMP No.
91/2025 (*Sanket Diwakar Bhalme v/s Dipali Sanket Bhalme*) pending on the
file of 20th Joint Civil Judge Senior Division, Nagpur to Civil Judge Senior
Division, Panvel, District Raigadh.

3. The Applicant has pointed out that in earlier round of litigation,
this Court, by considering the fact that Applicant is having three years old
daughter and residing with her parents at Panvel and further by recording the

fact that the Applicant has already filed application under Section 12 of the Protection of Women from Domestic Violence Act in the court of Civil Judge Junior Division, Panvel, transferred HMP No. 378/2023, which was filed by the Non-applicant at Civil Judge Senior Division, Nagpur to Civil Judge Senior Division, Panvel.

4. The learned Counsel for Non-applicant did not dispute this factual aspect. However, it is his contention that the Applicant can attend the present proceeding through Video Conferencing at Nagpur and there is no need of her personal appearance on each date before the Civil Judge Senior Division, Nagpur. Hence, he has opposed the transfer of HMP No.91/2025.

5. It is well settled position of law that if the proceedings are inter-dependable, then it is always desirable that both the proceedings should be tried and decided by the same court. In this regard, it will be profitable to rely on 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***, wherein is is 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."

6. In the present case, it is admitted fact that the proceeding under Section 12 of the Domestic Violence Act and proceeding under Section 9 of the Hindu Marriage Act for restitution of conjugal rights vide HMP No. 378/2023 is already pending before the Civil Judge Senior Division, Panvel, District Raigadh. The present proceeding, which is filed under Section 13 of the Hindu Marriage Act for grant of divorce, according to me, is inter-dependable to the proceedings filed under Section 9 of the Hindu Marriage Act for restitution of conjugal rights, pending at Civil Judge Senior Division, Panvel.

7. In addition to above, the Applicant has pointed out that he is having four years old daughter and the distance between Panvel to Nagpur is more than 800 kms, therefore, the Applicant will cause great inconvenience in attending the matter.

8. Hence, considering this aspect, I am of the opinion that Hindu Marriage Petition filed by the Non-applicant deserves to be transferred to the Civil Judge Senior Division, Panvel.

9. It is also made clear that now a days Video Conferencing facility is made available in every court, therefore, the Non-applicant can very well attend the proceeding through Video Conferencing at Panvel and appear in the present proceeding as and when required in the matter. In view of above, I proceed to pass following order.

ORDER

1. Misc. Civil Application is allowed.
2. HMP No. 91/2025 (*Sanket Diwakar Bhalme v/s Dipali Sanket Bhalme*)
pending on the file of 20th Joint Civil Judge Senior Division, Nagpur is

hereby transferred to Civil Judge Senior Division, Panvel, District Raigadh.

3. 20th Joint Civil Judge Senior Division, Nagpur is directed to handover/transfer the record and proceeding of HMP No. 91/2005 to the Civil Judge Senior Division, Panvel.
4. The Civil Judge Senior Division, Panvel is requested to decide all the pending matters by giving common date to the Non-applicant, so that it would be convenient for him to attend the proceeding.
5. The Non-applicant is permitted to attend the proceeding at Civil Judge Senior Division, Panvel through Video Conferencing with clear understanding that as and when required, he will produce the same to the Civil Judge Senior Division, Panvel, District Raigadh.
6. No order as to costs.

[PRAVIN S. PATIL, J.]