



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

MISC. CIVIL APPLICATION NO. 563 OF 2025

Smt. Reshma w/o Amol Bhandarkar
Aged : 28 Years, Occu : Nil; R/o Ekatamata
Nagar, Hingna Road, Nagpur.

... APPLICANT

V E R S U S

Amol s/o Ghanshyamji Bhandarkar
Aged : 32 Years, Occu : Service; R/o Jawari,
Post Chichalbandh, Tahsil Amgaon, District
Gondia.

... RESPONDENT

Mr. Piyush Rewatkar, Advocate for Applicant.
Ms. A. Y. Pardhi (Katre), Advocate for Respondent.

CORAM : PRAVIN S. PATIL, J.
DATE : NOVEMBER 24, 2025

ORAL JUDGMENT

. Heard Mr. Piyush Rewatkar, learned Counsel for the Applicant
and Ms. A. Y. Pardhi, learned Counsel for the Respondent.

2. By this Application, the Applicant/wife is seeking transfer of
Hindu Marriage Petition No. 120/2025 from the Civil Judge Senior Division,
Gondia to the Family Court at Nagpur.

3. It is undisputed fact that the marriage between Applicant and

Respondent was solemnized on 7/7/2021. Out of the said wedlock, they begotten male child namely, Mivaan. At present he is about two years old and presently residing with his mother i.e. Applicant.

4. It is further seen from the record that due to matrimonial dispute between the parties, they are residing separately since the year 2023-24. The Applicant is residing with her parents at Nagpur, whereas the Respondent is residing at Gondia. It is the submission of the present Applicant that immediately after the matrimonial dispute arose between them, the Applicant/wife has filed the proceeding under the provisions of Protection of Women from Domestic Violence Act, 2005 before the Civil Judge Senior Division, Nagpur bearing Criminal Misc. Application No. 1612/2024 and other proceedings bearing E-Petition No. 386/2024 for grant of maintenance under Section 144 of the Bhartiya Nagraik Suraksha Sanhita, 2023 before the Family Court No.3, Nagpur.

5. It is the contention of the present Applicant that the Respondent is presently attending both the proceedings regularly at Nagpur. So also it is the submission of the Applicant that she is having two years minor child, and therefore, it is difficult for her to attend the proceeding at Gondia, though the

distance is short. On this count, the Applicant seeks transfer of the proceeding from Gondia to Nagpur.

6. The Respondent has vehemently opposed the present Application. The Respondent stated that he is working in the office of District Deputy Registrar, Co-operative Society, Gondia and it is very difficult for him to seek leave on every date to attend the proceeding at Nagpur. If these proceedings are transferred at Nagpur, he will have to face serious consequences in his service from his department, and therefore, the Respondent stated that he is ready to pay the traveling charges to the Respondent, for attending the proceeding at Gondia.

7. After hearing the learned Counsel for both sides, one thing is clear that Respondent is already attending two proceedings at Nagpur. The Applicant is having a minor child of two years old. It is further pertinent to note that one of the proceedings filed by the Applicant under Section 144 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is pending before the Family Court, Nagpur. The Respondent has filed the proceeding for divorce. Therefore, considering this fact, the proceeding filed by the Applicant can be transferred at Nagpur and Family Court, Nagpur can be directed to try both the cases

together, so that it will be convenient for the Respondent to attend the same at Family Court, Nagpur.

8. Furthermore, 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 circumstances, one of the factor which needs consideration is the convenience of the wife and secondly it will be desirable to transfer the proceeding at one Court when the cases are interdependent against each other. The Hon'ble Supreme Court has specifically laid down the law, by observing 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.”

9. In view of the peculiar facts of the present case and law laid down by the Hon’ble Supreme Court of India, I am of the opinion that interference of this Court is necessary in the facts and circumstances of the present case. Hence, I proceed to pass following order.

ORDER

1. Misc. Civil Application is allowed.
2. The proceeding bearing Hindu Marriage Petition No. 120/2025 pending on the file of Civil Judge Senior Division, Gondia is hereby transferred to the Family Court, Nagpur.
3. The Civil Judge Senior Division, Gondia is directed to transfer the Record and Proceedings of the Hindu Marriage Petition No. 120/2025 to the Family Court, Nagpur.
4. The Family Court, Nagpur is requested to try the Petition No.

E-386/2024 and Hindu Marriage Petition No. 120/2025 together and preferably try both the matters by fixing same dates, so that Respondent can attend both the proceedings on same date before the Family Court.

5. It is further made clear that Respondent be permitted to attend the proceeding before the Family Court, Nagpur through Video Conferencing as and when it is not possible for him to attend the proceeding physically before the Family Court, Nagpur.
6. The parties are directed appear before the Family Court, Nagpur on 20th December, 2025.

[PRAVIN S. PATIL, J.]