



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

MISC. CIVIL APPLICATION NO. 565 OF 2025

Mrs. Aaditi Shashank Paranjape ... APPLICANT

Versus

Shashank Madhav Paranjape ... NON-APPLICANT

Mr. P. U. Kavishwar, Advocate for Applicant.

Mr. Sumit Kothari, Advocate for Non-applicant.

CORAM : PRAVIN S. PATIL, J.

DATE : OCTOBER 03, 2025.

ORAL ORDER

. Heard Mr. Kavishwar, learned Counsel for the Applicant and Mr. Kothari, learned Counsel for the Non-applicant.

2. By this Application, the Applicant is seeking transfer of Petition No. A-724/2024 pending on the file of Family Court, Pune to the Family Court, Akola.

3. The Applicant states that she has already filed three proceedings at Akola, viz - Petition No. A-126/2024 under Section 12 and 13 of the Hindu Marriage Act, 1955 and E-Petition No. 69/2024 for maintenance. Both the Petitions are pending before the Family Court, Akola. The Applicant has also

filed the proceeding bearing Cri. M. A. No. 494/2024 under the provisions of Protection of Women from Domestic Violence Act, which is pending before the Judicial Magistrate First Class, Akola.

4. It is stated that the Non-applicant is attending all these cases at Akola. The case of the Applicant is that only to harass her, Non-applicant has filed the proceeding bearing Petition No. A-724/2024 for restitution of conjugal rights before the Family Court, Pune. Therefore, it is stated that considering the fact that two petitions are already pending before the Family Court, Akola, the proceeding filed by the Non-applicant should be transferred at Akola, so that there should not be any complexity in the matters while deciding the same separately by different courts.

5. The Non-applicant, who appeared in the matter, vehemently opposed the application. It is his contention that the Applicant cannot seek transfer as a matter of right. He further stated that initially he has issued the notice to the Applicant for restitution of conjugal right and consequently the proceedings are filed by the Applicant/wife at Family Court, Akola and the grounds, on which she is seeking transfer, are not valid grounds to exercise the jurisdiction of this Court.

6. I have heard learned Counsel for both sides and perused the record. It is not disputed that all these matters are arising out of the matrimonial dispute. The wife has already filed the proceedings at Family Court, Akola and the Non-applicant/husband is already attending the proceedings at Akola. Therefore if the proceeding bearing No. Petition No. A-724/2024 for restitution of conjugal right filed by the Non-applicant at Pune is transferred to Akola, no prejudice will be caused to him.

7. It is stated by the Non-applicant that the Applicant has no right to claim the transfer of proceeding. In this regard, 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* 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."

8. In view of the Judgment of Hon'ble Supreme Court of India, it is very much clear that if one of the proceedings is pending before one Court, then it is always profitable to transfer the other proceedings arising out of the same parties to same court to avoid complexity in the decision. Hence, I am of the opinion that the objections raised by the Non-applicant are not sustainable in the matter.

9. Furthermore, the only issue which is to be decided in the present matter is of transfer and no other issue can be dealt with. Hence, considering the law laid down by the Hon'ble Supreme Court of India, I am of the opinion that the Application filed by the Non-applicant deserves to be transferred to Akola. Hence, I proceed to pass following order.

ORDER

1. Misc. Civil Application is allowed.

2. The Petition No. A-724/2024 pending on the file of Family Court, Pune is transferred to the Family Court, Akola.
 3. The Family Court, Pune is directed to handover/transfer the record and proceeding of Petition No. A-724/2024 to the Family Court, Akola.
 4. Parties are directed to appear before the Family Court, Akola on 10th November, 2025.
10. Misc. Civil Application stands disposed of in above terms. No order as to costs.

[PRAVIN S. PATIL, J.]

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