



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

MISC. CIVIL APPLICATION (TR.) NO.611/2025

Sau. Kajal W/o. Saurabh Parmar
@Kajal D/o Manoj Singh Bhadvariya @ Thakur
Age-30 years, Occupation- Housewife,
Resident of: C/o. Manoj Singh Thakur, Camp
Wadali Talav, Near Indrashesh Mandir Amravati.
Mobile No.:- 7030508344

... APPLICANT

...VERSUS...

Shri. Saurabh Rajkumar Parmar
Age- 37 years, Occupation- Business,
Resident of: - Plot No.9, Chakradhar Nagar,
Ayodhya Nagar Road, Nagpur.
Mobile No.:- 9561057677.

...NON-APPLICANT

Shri B.H. Tekam, Advocate for applicant

CORAM : PRAVIN S. PATIL, J.

DATED : 24.11.2025

ORAL JUDGMENT

. Heard.

2. By this application, the applicant is seeking the transfer of proceedings bearing HMP No.A-261/2024 from the Family Court, Nagpur to Family Court, Amravati.

3. In this matter, this Court on 23.09.2025 issued notices to the non-applicant. At the time of issuing notices, this Court has permitted the applicant to serve the non-applicant by all private modes of service as permissible under the Rules, in addition to the regular mode of service. The applicant has filed an affidavit on record stating that the notice issued by registered post was refused to accept by the non-applicant. Therefore, this matter was adjourned on 15.10.2025, to grant one more opportunity to the non-applicant.

4. The office note shows that the notice by regular mode is now duly served on the non-applicant. However, today, no one appeared on behalf of the non-applicant in the matter. From the conduct of the non-applicant, it is clear that he is not interested to prosecute the present application. In light of this factual position, I am constrained to decide present application on its own merits.

5. The applicant in support of her submission stated that after the marriage was solemnized with non-applicant, they have begotten one child namely Shivansh, who is presently two years old. So also, it is pointed out that the applicant has already filed the

proceedings under the provisions of the Protection of Women from Domestic Violence Act, 2005, before the learned Chief Judicial Magistrate, Amravati, bearing Misc. Criminal Application No.132/2024. It is stated that non-applicant is regularly attending the proceedings before the learned Chief Judicial Magistrate, Amravati.

6. In the present matter, the applicant is seeking transfer of proceedings from Nagpur to Amravati. The distance between Nagpur to Amravati is 150 kms. Therefore, distance can not be a reason to get transfer of proceedings from Nagpur to Amravati. The Counsel then pointed out that initially, the applicant was attending the proceedings at Nagpur Family Court, Nagpur, along with her child. However, due to travelling, the minor son of two years old has faced the health issue and there was no one to take care of her son at that time. Therefore, according to the applicant, to carry the son along with her on each date before the family Court, Nagpur, will cause health issues to the minor child and, therefore, she is seeking transfer of the present proceedings.

7. It is further stated that non-applicant is already attending the proceedings filed by the applicant under the Prevention of Domestic Violence Act before the Chief Judicial Magistrate, Amravati. Therefore, no prejudice will be caused to the non-applicant, if proceedings are transferred to Amravati.

8. In the present matter, all the averments made by the applicant are uncontroverted due to the absence of non-applicant in the matter. The averments made in the application are on affidavit, therefore, there is no reason to disbelieve the said averment.

9. In addition to the above, as per the law laid down by the Hon'ble Supreme Court of India in the 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)***, the Hon'ble Supreme Court has laid down the principles that in such peculiar facts and circumstances, convenience of the wife is also important to be looked into to decide the proceedings in a fair and proper manner. 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.”

10. In light of above stated reasons, interference of this Court is necessary in the matter. Hence, I proceed to pass the following order:

ORDER

- i) The application is allowed.

ii) The proceedings bearing HMP No.A-261/2024 are hereby transferred from Principal Family Court, Nagpur, to Family Court, Amravati.

iii) The Principal Family Court, Nagpur, is directed to transfer the record and proceedings of HMP No.A-261/2024 to the Family Court Amravati.

11. The application stands disposed of in above terms. No order as to the costs.

(PRAVIN S. PATIL, J.)

R.S. Sahare