



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

MISC. CIVIL APPLICATION (TR.) NO.612/2025

Varsha w/o Rajendra Deore, Aged
About 35 years, Occu. Household,
R/o Rajput Layout, Sagwan, Distt.
Buldhana.

... **APPLICANT**

...VERSUS...

Rajendra w/o Bhila Deore, Aged
About 46 years, Occu: Service, R/o
Shirpurved (Wade Kh.) Tq. Baglan,
Distt. Nashik.

...**NON-APPLICANT**

Shri Tejas Deshpande, Advocate for applicant
None for non-applicant

CORAM : PRAVIN S. PATIL, J.

DATED : 11.12.2025

ORAL JUDGMENT

. Heard.

2. The perusal of the record shows that this Court permitted the applicant to serve the non-applicant by private mode of service in addition to the regular mode of service. The applicant has placed on record the affidavit dated 11.11.2025 stating that the

non-applicant was served by private mode and particularly by sending a copy of the application through WhatsApp. So also, by regular mode, the service is shown to be effected on the non-applicant. But, no one remain present on behalf of non-applicant in the matter.

3. By the present application, the applicant is seeking transfer of the proceedings bearing Marriage Petition No.13/2025 from the file of the Joint Civil Judge Senior Division, Malegaon, District Nashik to the Family Court, Buldhana.

4. In the present application, applicant has stated that distance between Buldhana to Nashik is around 225 kms. Secondly, out of wedlock, they have three children and applicant is maintaining all three children. Applicant has also filed one proceeding under Section 18 of the Hindu Marriage Act before the Civil Judge Senior Division, Buldhana, and non-applicant is attending the proceedings at Buldhana. On these grounds, the applicant is seeking the transfer of the proceedings.

5. The applicant has relied upon the judgment of the Hon'ble Supreme Court 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 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.”

6. As per the law laid down by the Hon'ble Supreme Court of India, if two proceedings are pending at different stations and are interdependent on each other, it is always desirable that both proceedings be tried together and by the same Court. In the present case, the applicant has specifically pointed out that the non-applicant has filed divorce proceedings at Malegaon, Nashik, whereas the applicant has filed proceedings under Section 18 of the Hindu Marriage Act for grant of maintenance. Hence, according to him, both these proceedings need to be tried together at one station

7. The applicant has specifically pointed out that the non-applicant is already attending the proceedings at Buldhana. Therefore, no inconvenience would be caused to him if proceedings are transferred from Malegaon, Nashik to Buldhana.

8. Applicant further stated that she is having the custody of three minor children and distance between two stations is near about 225 kms. As such, she will cause more inconvenience than the non-applicant in the matter. These averments of the applicant are not controverted in the matter.

9. Hence, applying the law laid down by the Hon'ble Supreme Court and the facts, which are stated in the application, find substance in the matter and, therefore, in my opinion, the present application deserves to be allowed. Hence I proceed to pass the following order:

ORDER

- i) The Application is allowed.
- ii) HMP No.13/2025 pending on the file of Joint Civil Judge Senior Division in Malegaon, District Nashik is hereby transferred to the Family Court, Buldhana.
- iii) The Joint Civil Judge Senior Division, Malegaon, District Nashik is directed to transfer the record and proceedings of Petition No.13/2025 to the Family Court, Buldhana.
- iv) The Family Court, Buldhana is requested to try together the proceedings filed by the applicant and non-applicant and by fixing the common dates in both the matters so that it will be convenient to non-applicant to attend the proceedings at Buldhana.

10. The application stands disposed of in above terms.

(PRAVIN S. PATIL, J.)

R.S. Sahare