



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

MISC. CIVIL APPLICATION (TR.) NO.625/2025

Sau Neha w/o Anand Dubey,
Age: 32 years, Occ: Homemaker,
At present
c/o Nutan Nandkumar Pande,
Resident of Pension Pura,
Deshmukh Plot, Paratwada,
Tq. Achalpur, Dist: Amravati.

... APPLICANT

...VERSUS...

Anand s/o Ramesh Dubey,
Age about: 40 years,
Occu: Dashier in Honda Company,
Residence of Near Akashwani,
Khandeshwari Road, Beed,
Tq. And Dist. Beed.

...NON-APPLICANT

Shri D.S. Khushalani, Advocate for applicant

CORAM : PRAVIN S. PATIL, J.

DATED : 17.11.2025

ORAL JUDGMENT

. Heard learned Counsel for the applicant.

2. By this application, the applicant is seeking the transfer of the proceeding from Family Court, Beed to learned Civil Judge, Senior Division, Achalpur.

3. This Court by order dated 20.09.2025, issued notices to the non-applicant. As per the order of this Court, the applicant has served the non-applicant through private mode of service and filed affidavit on record. However, none appeared for non-applicant. This matter was adjourned on 16.10.2025 and 06.11.2025, with a view to grant opportunity to the non-applicant to contest the present application. However, none appeared for the non-applicant. Hence, I proceed to decide the present application on its own merits.

4. It is the submission of the applicant that she is residing at Achalpur with her parents. Immediately after the matrimonial dispute arose between applicant and non-applicant, she has filed the proceeding under the Domestic Violence Act bearing D.V. Case No.40/2024 and Hindu Marriage Petition No.143/2024 for restitution of conjugal rights at Achalpur.

5. It is further stated that non-applicant is regularly attending the proceedings at Achalpur. It is further stated that the distance between Achalpur and Beed is more than 425 km. Due to this long distance and non-availability of regular transportation from Achalpur to Beed, it will be difficult for the applicant to attend the proceedings at Beed.

6. All the averments made by the applicant in the present application are remain uncontroverted due to absence of the non-applicant. Therefore, there is no impediment to accept the same as correct.

7. So also, in view of 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* reported in *AIR 2022 SC 4318*, wherein it is held that the convenience of the wife should be considered by the Court particularly in the matrimonial matters and also to see that if the two proceedings are interdependable, then same should be transferred at one Court so as to avoid the complicity in the decision.

8. In the present matter, it is undisputed that the proceedings filed by applicant are already pending at Achalpur. Therefore, no prejudice will be caused to non-applicant if the proceedings filed by him bearing HMP No.A-83/2025 at Family Court, Beed are transferred to learned Civil Judge, Senior Division, Achalpur. So also, it will avoid diversity in the judgment of Court. Hence, in light of above said factual as well as legal position, I am of the opinion that the applicant has made out the case for interference. Hence, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) H.M.P. No.A-83/2025 pending before the Family Court, Beed is hereby transferred to the learned Civil Judge, Senior Division Achalpur.
- iii) The Family Court, Beed is directed to transfer the record and proceeding to the learned Civil Judge, Senior Division, Achalpur.
- iv) Learned Civil Judge Senior Division, Achalpur is requested to decide the proceeding filed under Section 9 of the Hindu Marriage

Act, for restitution of conjugal rights and H.M.P. No. A-83/2025 by clubbing together and decide the same at an earliest.

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

(PRAVIN S. PATIL, J.)

R.S. Sahare