



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
MISC. CIVIL APPLICATION NO. 633 OF 2025**

Sau. Diksha w/o Rohit Yadav
Aged : 26 Years, Occu : Homemaker; At
present R/o – C/o Vijay Yadav, Near
Manohar Saw Mill, Gandhi Nagar,
Hamalpur, Amravati, Tahsil and District
Amravati.

... APPLICANT

VERSUS

Rohit Rajpal Yadav
Age : 40 years, Occu : Service; Resident at
Patni Chowk, Old Resod Naka, Washim,
Tahsil and District Washim.

... NON-APPLICANT

Mr. D. S. Khushalani, Advocate for Applicant.
Mr. V. R. Borkar, Advocate for Non-applicant.

**CORAM : PRAVIN S. PATIL, J.
DATE : DECEMBER 08, 2025.**

JUDGMENT

. Heard Mr. D. S. Khushalani, learned Counsel for the Applicant and
Mr. V. R. Borkar, learned Counsel for the Non-applicant.

2. By this Application, the Applicant/wife is seeking transfer of
Hindu Marriage Petition No. A-86/2025 pending on the file of Family Court,

Raigad-Alibag to the Family Court, Amravati.

3. It is the submission of present Applicant that distance between Amravati to Raigad-Alibag is near about 700 to 800 kms. It is further stated that after matrimonial discord the Applicant is residing at Amravati on the mercy of her mother, who is widow, and finding difficult for her survival itself. Hence, it will be inconvenient for her to travel such a long distance of about 700 to 800 kms.

4. The Non-applicant appeared in the matter and filed his reply. According to him, the reasons stated by the Applicant about her mother cannot be accepted, because same is the condition of Non-applicant, because his mother, who is 65 years old, is residing with him and she requires constant care and attention. He further pointed out that he being Police Constable in the Maharashtra Police Department and currently posted at Alibag, it will not be possible for him to attend the proceeding at Amravati.

5. In the light of above submissions of both the parties, it is seen that both the parties are facing difficulty in attending the proceeding, either at Raigad-Alibag or at Amravati. In such circumstances, the parties can be

allowed to attend the proceeding through Video Conferencing.

6. Now, in such peculiar facts and circumstances, question arose as to whether the proceedings should be allowed to attend by the Applicant/wife at Raigad-Alibag or by the Respondent/husband at Family Court, Amravati.

7. In the light of this factual aspect, I am of the opinion that the Applicant, who is house-wife and is not digitally educated, she will find difficult to attend the proceeding through Video Conferencing at Raigad-Alibag. The fact cannot be denied that for some occasions, the Applicant will have to remain present before the Court at Raigad-Alibag and in that case the Applicant will cause great prejudice to attend the proceeding at Raigad-Alibag.

8. *Per contra*, the Non-applicant can attend the proceeding through Video Conferencing at Amravati, and if required, can personally remain present before the Family Court, Amravati. So also it is stated that the Non-applicant is originally belongs to Washim district, and therefore, it will not be difficult for him to attend the proceeding at Amravati as and when required in the matter.

9. It is pertinent to note that 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 peculiar facts and circumstances of the case while deciding the convenience of the parties, standard of life and their practical difficulties, are also required to be considered. The Hon'ble Supreme Court has specifically laid down the law 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.”

10. In the present matter, considering the peculiar facts and circumstances of the case, it is clear that distance between Amravati to Raigad-Alibag is near about 700 to 800 kms. Hence, in my opinion, it will be justified to transfer the proceeding filed by the Non-applicant before the Family Court, Raigad-Alibag to the Family Court, Amravati, which will be convenient to both the parties with a rider that Non-applicant be allowed to attend the proceeding through Video Conferencing at Family Court, Amravati. Resultantly, following order is passed.

ORDER

1. Misc. Civil Application is allowed.
2. Hindu Marriage Petition No. A-86/2025 pending on the file of Family Court, Raigad-Alibag is hereby transferred to the Family Court, Amravati.
3. The Family Court, Raigad-Alibag is directed to transfer the Record and Proceedings of HMP No. A-86/2025 to the Family Court, Amravati.
4. The Family Court, Amravati is directed to permit the Non-applicant to attend the proceeding through Video Conferencing.

5. The Respondent is directed to secure his physical presence before the Family Court, Amravati. At the same time it is made clear that as and when the physical appearance is required, the Non-applicant should physically remain present before the Family Court, Amravati.
6. Parties to appear before the Family Court, Amravati on 6/1/2026.
7. No order as to costs.

[PRAVIN S. PATIL, J.]

vijaya