



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

MISC. CIVIL APPLICATION (TR.) NO.668/2025

Sau. Rutuja Shubham Deshmukh,
Aged about 25 years,
Occupation - Household,
R/o. c/o Pradiprao Manikrao
Deshmukh, at post - Umara
Deshmukh, Tah. Mehkar, District -
Buldhana.

... **APPLICANT**

...VERSUS...

Shubham s/o Babanrao Deshmukh
Aged about 36 years,
Occupation - Service,
R/o at Post - Kanzara, Tah.
Murtizapur, District - Akola.

...**NON-APPLICANT**

Shri S.S. Purawar, Advocate h/f Shri N.R. Tekade, Advocate for applicant
Ms A.P. Gupta, Advocate for non-applicant

CORAM : **PRAVIN S. PATIL, J.**

DATED : **15.12.2025**

ORAL JUDGMENT

. Heard.

2. By this application, the applicant is seeking transfer of H.M.P. No.55/2025 from Civil Judge Senior Division, Akola to Civil Judge Senior Division, Mehkar, District Buldhana.

3. The submission of the applicant is that she has filed the proceedings before the Mehkar Court under Section 144 of Bharatiya Nagarik Suraksha Sanhita, 2023, for maintenance bearing Criminal Application No.139/2025, under the Protection of Women from Domestic Violence Act, 2005, bearing case No.18/2025 and the complaint lodged by her under Section 498 – A is now registered in RCC No.141/2025. According to applicant, all the proceedings at present are pending at Mehkar.

4. In view of these three proceedings pending at Civil Judge Senior Division, Mehkar, District Buldhana, the proceedings filed by the non-applicant at Civil Judge Senior Division, Akola, can be transferred to Civil Judge Senior Division, Mehkar, District Buldhana and non-applicant can very well attend the proceedings at Civil Judge Senior Division, Mehkar, District Buldhana .

5. In response to the notices issued by this Court, the non-applicant appeared in the matter and strongly objected the present application. According to the non-applicant, the proceedings pending at the Civil Judge Senior Division, Akola, is at the stage of evidence.

6. According to the non-applicant, the evidence of the non-applicant in the said proceedings is now closed and the case is now fixed for the evidence of applicant. It is further stated that the present applicant is residing at village Kumbra, District Buldhana, which is 50 kms. away from Mehkar. As such, according to the non-applicant, she is otherwise required to travel the distance of 50 kms. to attend the proceedings at Mehkar and, therefore, no prejudice will be caused if the proceedings are continued at Akola, where she has to travel 100 kms. It is further pointed out by the non-applicant that he is presently serving at Bardoli, Gujarat and he is travelling from Gujarat to Akola, and, therefore, Akola is the proper place for him to attend the proceedings. Hence, for this reason, it is the submission of the non-applicant that the present application deserves to be rejected.

7. In light of the submission made by the non-applicant before this Court, applicant has clarified to this Court that proceedings filed by the non-applicant before the learned Civil Judge Senior Division, Akola, were proceeded ex-parte against the applicant. Thereafter, the present applicant on 04.10.2025 has attended the said proceedings and moved the appropriate application for setting aside the adverse orders and permitting her to prosecute the present proceedings.

8. According to the applicant, as she was finding difficult to attend the proceedings at Akola, therefore, the ex-parte orders came to be passed in the matter. Hence, according to her, if proceedings are transferred at Mehkar, all the proceedings will be attended by the applicant and it will be proper to decided all the proceedings at same station.

9. In the facts and circumstances of the case, 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)***, would be

appropriate to refer in the matter. 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. One of the criteria, which according to the judgment of the Hon'ble Supreme Court is that if the proceedings filed by the parties are interdependent and arising out of the same issue, it is

always desirable that proceedings should be tried together by the Court and can avoid the diversity of judgment in the matter.

11. In the present case, the proceedings of maintenance are already pending before Civil Judge Senior Division, Mehkar. So also, the proceedings arising out of the Protection of Women from Domestic Violence Act, 2005, is also pending at Civil Judge Senior Division, Mehkar. Therefore, it is clear that all the proceedings arising in the matter are out of the matrimonial discord between the applicant and non-applicant. Hence in my view, it will be proper that all the proceedings should be continued at one station. Majority of the cases are pending at Civil Judge Senior Division, Mehkar, therefore, it will be proper to transfer the proceedings filed by the non-applicant to Civil Judge Senior Division, Mehkar.

12. It is pointed out by the non-applicant that he is travelling from Bardoli, Gujarat to Akola to attend the proceedings. Nowadays, the facilities of video conferencing is very much made available to the parties to appear before the Court. In such circumstances, non-applicant can attend the proceedings through video conferencing at Civil Judge Senior Division, Mehkar. In view

of above, I am of the opinion that the 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 filed by the non-applicant bearing H.M.P. No.55/2025 is hereby transferred from Civil Judge Senior Division, Akola to Civil Judge Senior Division, Mehkar, District Buldhana.
- iii) The Civil Judge Senior Division, Akola is directed to transfer the record and proceedings of the H.M.P. No.55/2025 to the Civil Judge Senior Division, Mehkar, District Buldhana.
- iv) Civil Judge Senior Division, Mehkar, District Buldhana is requested to permit the non-applicant through video conferencing in the matter. However, it is made clear that the non-applicant will have to secure his physical appearance as and when required in the matter.

13. The application stands disposed of in above terms.

(PRAVIN S. PATIL, J.)

R.S. Sahare