



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

MISC. CIVIL APPLICATION (TR.) NO.675/2025

Sau Supria Mukesh Roy
Aged about 26 years, Occupation: Nil
C/o Tarun Tarini Kha
R/o Navgram Post Vishnupur
Taluka Chamorshi, Dist. Gadchiroli

... **APPLICANT**

...VERSUS...

Mukesh Thakurpad Roy
Aged about 33 years, Occupation: Not known
R/o Ekatanagar, Killa Ward, Bhadrawati
Ta. Bhadrawati, Dist. Chandrapur

... **NON-APPLICANT**

Shri Aneesh Deshpande, Advocate h/f Shri V.N. Morande, Advocate for applicant
Shri Sandeep Singh, Advocate h/f Shri A.M. Chandekar, Advocate for non-applicant

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

DATED : **10.12.2025**

ORAL JUDGMENT

. Heard.

2. By the present application, the applicant is seeking the transfer of the proceedings from Civil Judge Senior Division, Warora to Civil Judge Senior Division, Gadchiroli.

3. It is the submission of the present applicant that due to matrimonial discord, applicant and non-applicant are separated since 2019. Thereafter, immediately the applicant has filed the proceedings under the provisions of the Protection of Women from Domestic Violence Act. The said proceedings were decided in her favour and against that the non-applicant has preferred the appeal before the District Judge, Gadchiroli. The said proceedings are already pending at Gadchiroli.

4. It is further pointed out by the applicant that she is residing at a remote place that is village Navagram in District Gadchiroli. From Navagram to Warora, the distance is about 165 kms. and there are no regular transport vehicles are available to the applicant. She has to change the vehicle for at least three times to reach at Warora. On the contrary, according to the applicant, Gadchiroli is the proper place where she can attend the proceedings as there are sufficient means of transportation is available from her village.

5. Non-applicant has strongly objected the present appeal. It is stated by him that in the pending proceedings, he has already

filed his evidence on affidavit and matter is at the stage of cross-examination of the non-applicant. Therefore, considering stage of the pending matter, it will not be proper to transfer the proceedings from Warora to Gadchiroli. Applicant clarify that only evidence on affidavit is filed by non-applicant in the said matter. The trial is yet not commenced in the matter.

6. In the present matter, it is necessary to consider the fact that one of the proceedings is already filed by non-applicant before the District Judge, Gadchiroli. So also, non-applicant is residing at Bhadravati. He is also required to attend the proceedings at Warora from Bhadrawati. If proceedings are transferred to Gadchiroli, it will be convenient to attend the proceedings at Gadchiroli. So also, nowadays the video conferencing facility is made available to the parties to attend the proceedings. So also, parties have engaged the Counsel in the matter and they are taking due care to attend the proceedings on their behalf.

7. In the facts and circumstances of the matter, as per law laid down by the Hon'ble Supreme Court of India in 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), Supreme Court has observed 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.”

8. In the present case, the applicant has specifically pointed out the inconvenience which she is facing to attend the proceedings from her village Navagram to Warora. According to her, if proceedings are transferred at Gadchiroli, it will be

convenient for her to attend the proceedings. So also, non-applicant resident of Bhadrawati and he can very well attend the proceedings at Gadchiroli. One proceeding filed by non-applicant is already pending at Gadchiroli. So he can attend both the proceedings at one station.

9. In the circumstances, I am of the opinion that no prejudice would be caused to the non-applicant, if by taking care of fact that the parties are permitted to attend the proceedings through video conferencing, in addition to physical appearance before the Civil Judge Senior Division, Gadchiroli. Hence, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The HMP No.100/2022 pending before the Civil Judge Senior Division, Warora, is hereby transferred to the Civil Judge Senior Division, Gadchiroli.
- iii) Civil Judge Senior Division, Warora, is directed to transfer the record and proceedings of HMP No.100/2022 to Civil Judge Senior Division, Gadchiroli.

iv) Civil Judge Senior Division, Gadchiroli, is requested to permit the present non-applicant to attend the proceedings through video conferencing. At the same time, it is made clear that the non-applicant would secure his physical presence as and when required before the Civil Judge Senior Division, Gadchiroli.

10. The application stands disposed of in above terms.

(PRAVIN S. PATIL, J.)

R.S. Sahare