



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

MISC. CIVIL APPLICATION NO. 614 OF 2024

Pooja w/o Nayan Khavale (Pooja d/o
Vijayrao Ahere), Aged about : 26 Years, At
present R/o Plot No. 52-A, Jai Gurudeo
Nagar, Manewada-Besa Road, Bhagwan
Nagar, Nagpur.

... APPLICANT

VERSUS

Nayan s/o Dipak Khavale
Aged about : 29 Years; Occu : Business; R/o
Kailash Nagar, Jijau Colony, Amravati, Tahsil
and District Amravati.

Address of Adhar Card :

R/o Near Mahatma Fule Chowk, Yavali
Shahid, Tahsil and District Amravati.

... NON -APPLICANT

Mr. A. M. Gedam, Advocate for Applicant.
Mr. S. S. Das, Advocate for Non-applicant.

CORAM : PRAVIN S. PATIL, J.
DATE : JANUARY 30, 2026.

ORAL JUDGMENT

. Heard Mr. A. M. Gedam, learned Counsel for the Applicant and
Mr. S. S. Das, learned Counsel for the Non-applicant.

2. By this Application, the Applicant is seeking transfer of the proceeding bearing Petition No. A-137/2024 pending on the file of Family Court, Amravati to the Family Court, Nagpur.

3. It is the submission of the present Applicant that she has already filed the proceeding bearing Petition No. A-796/2024 under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and the same is pending on the file of Family Court, Nagpur. It is also stated that the Non-applicant is attending the said proceeding before the Family Court, Nagpur. Hence, according to the Applicant, if the proceeding which are filed by the Non-applicant/husband for divorce if transferred to the Family Court, Nagpur, no prejudice would be caused to the Non-applicant. Rather it will be convenient for the parties to contest both the matters before the Family Court, Nagpur.

4. The Non-applicant has strongly opposed the present Application. According to him, parents of the Applicant are residing at Amravati, as such, she is in visiting terms with her parents, and therefore, she can very well attend the proceeding at Amravati. It is stated that there is no any substantial reason put-forth by the Applicant for transfer of the proceeding, and therefore, the same deserves to be rejected.

5. In the light of above submissions made by the learned Counsel for both sides, it would be relevant to refer the Judgment of 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***, wherein the Hon'ble Supreme Court, in paragraph Nos.9 and 10 has observed 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.”

The Hon'ble Supreme Court has considered the fact that if both the matters are inter-dependable between the parties, in such cases, an

attempt should be made by the Court that both the proceedings which are inter-dependable, should be decided by one Court in order to avoid the diversity of the Judgment of the Courts.

6. Here in the present case, admittedly the proceeding filed by the Applicant is for restitution of conjugal rights, whereas the Non-applicant has filed the proceeding for divorce. In my opinion, both the cases are inter-dependable, hence it would be appropriate to transfer the proceeding at one Court. So also in the present case Non-applicant is already attending one proceeding at Nagpur. Hence, no prejudice would be caused to the Non-applicant, if the proceeding pending on the file of Family Court, Amravati are transferred to the Family Court, Nagpur. Resultantly, I proceed to pass following order.

ORDER

1. Misc. Civil Application is allowed.
2. The proceeding bearing Petition No. A-137/2024 pending on the file of Family Court, Amravati is hereby transferred to the Family Court, Nagpur.
3. The Family Court, Amravati is directed to transfer the Record and

Proceedings of the Petition No. A-137/2024 to the same Court where the
Petition No. A-796/2024 is pending.

4. Both the proceedings should be tried independently by one Court.

5. No order as to costs.

[PRAVIN S. PATIL, J.]

vijaya