



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

MISC. CIVIL APPLICATION (TRANSFER) NO. 843 OF 2024

APPLICANT:

Dr. Rucha wife of Swapnil Wankhede
(Maiden Name – Rucha Rajendra Sapkale)
Aged about 34 years, Occupation: Nil,
R/o C/o Rajendra Sapkale, Falt No. 701,
Premkamal Mension, Near ICICI Bank,
Murbad Road, Kalyan (West), 421301.

...V E R S U S...

NON-APPLICANT

Dr. Swapnil son of Domaji Wankhede,
Aged about 41 years, Occupation: Dentist,
R/o Plot No. 7, Swapanapurti Santaji
Society, After Manish Nagar, Railway
Crossing, Off Somalwada Square, Wardha
Road, Nagpur -44 0015.

Mr. Nachiket G. Moharir, counsel for applicant.

Mr U.M. Aurangabadkar, counsel for non-applicant.

CORAM : PRAVIN S. PATIL, J.

DATE : 14/01/2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of learned counsel appearing for applicant and learned counsel for non-applicant, the application is taken up for final hearing at the stage of admission.

2. By this application, the applicant is seeking transfer of Petition-A No. 192 of 2022, pending before the Family Court No. 3,

Nagpur, to the Family Court, Kalyan.

3. The grounds on which the applicant is seeking the transfer of the proceedings is that, already three proceedings are pending before the Kalyan Court. Out of the three proceedings, one proceedings is filed by the respondent, namely an appeal arising out of the proceedings under the Domestic Violence Act. Secondly, it is her submission that she is working as a Branch Manager of the State Bank of India, and thirdly, she is having a custody of a child who is eight years of old.

4. Per contra, learned counsel for the non-applicant strongly opposed the application. According to him, due to false affidavit filed by the applicant in the pending proceedings at Nagpur, proceedings under Section 340 of Code of Criminal Procedure are initiated and same are pending before the Judicial Magistrate First Class, Nagpur. Both the proceedings are interconnected, and therefore, if the proceedings are transferred from Nagpur to Kalyan, it will affect the proceedings which are filed under Section 340 of the Code of Criminal Procedure.

5. In the light of the submission of both the parties, though the applicant has pointed out the inconvenience she is likely to be caused in the matter, that cannot be a reason to transfer the proceeding particularly when the proceedings under Section 340, is pending against her before the Judicial Magistrate First Class, Nagpur. In my opinion, if the main proceedings are transferred to Kalyan Court, prosecution may face practical

difficulties to conduct the proceedings under Section 340 of the Code of Criminal Procedure.

6. In these background, the purpose can be served to permit the non-applicant to attend the proceeding at Nagpur through video conferencing on the dates when her physical attendance is not required in the matter.

7. In the light of the above factual aspect, it will be appropriate to pass the following order.

ORDER

- a] The Misc. Civil Application is **partly allowed**.
- b] The applicant is permitted to attend the proceedings before the Family Court, Nagpur, through video conferencing, on the dates when her physical attendance is not required in the matter.
- c] Learned Family Court is requested to accommodate the applicant as and when her physical appearance is required by granting the date preferably in the weekend.

8. At this stage, learned counsel for the applicant made a request to continue the interim relief, which is operating since 27/09/2024, for further period of three weeks.

9. The said request is strongly opposed by the respondent.

10. In the facts and circumstances, the interim relief to continue for a period of two weeks. The same stand vacated after two weeks without reference to the Court.

11. Rule is absolute in the aforesaid terms. No order as to costs.

(PRAVIN S. PATIL, J.)