



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

MISC. CIVIL APPLICATION [TRANSFER] NO. 172 OF 2025

Mrs. Mohini w/o Pankaj Leheriya Vs Mr. Pankaj s/o Anil Laheriya

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms Madhwani, counsel h/f Mr. D.H. Sharma, counsel for applicant.
Mr R.R. Maddalwar, counsel for non-applicant.

CORAM : PRAVIN S. PATIL, J.

DATE : 07/01/2026.

1. Heard.
2. By this application, the applicant is seeking transfer of the proceedings filed by respondent/husband before the Civil Judge, Senior Division, Wani, District Yavatmal, to the Family Court, Bhandara.
3. It is the submission of the present applicant that, out of the wedlock, the male child was born on 22/12/2020 and the applicant is having the custody of the child. The child is at present 5 years old. According to the applicant, it is difficult for her to travel from Wani to Bhandara, which is near about 250 kilometers from her place of residence. Hence, on this count, she seeks transfer of the proceedings.
4. The non-applicant/husband has strongly objected the present application. According to him, the reason put forth by the applicant is not sufficient to transfer the proceedings. He further submits that the applicant is residing with her parents and, therefore, her parents can take care of the child as and when she attends the proceedings at Wani.
5. In the light of the submissions advanced by both the parties, it will be relevant to refer the judgment of Hon'ble Supreme Court of

India in the case of ***N.C.V. Aishwarya Versus A.S. Saravana karthik sha*** Civil Appeal No(S). 4894 of 2022 (arising out of S.L.P.(C) No (S).16465 of 2021), reported in **2022 LiveLaw (SC) 627**, wherein the Hon'ble Supreme Court of India has held 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 socioeconomic 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.”

5. As per the judgment of the Hon'ble Supreme Court of India, one of the issues required to be considered is the convenience of the wife while deciding the application for transfer of the proceedings.

6. Here, it is not disputed that applicant is having the custody of minor child, who is nearly of 5 years old. The distance between Wani to Bhandara is 250 K.M.. Thus, to and fro travel from Wani it will be 500 kilometres.

7. In that event, it will be inconvenient for the wife to travel such a long distance on each date of the matter. Hence, interference of this Court is necessary in the matter. In my view, the following order will sub-serve the interest of justice in the matter. Accordingly, I proceed to pass the following order.

ORDER

Corrected as per
Courts order dated
13/01/2026.

- a] Misc. Civil Application is **allowed**.
- b] The proceedings bearing Marriage Petition No. 77 of 2024 (old) Marriage Petition No. 40 of 2025 (new) is hereby transferred from the Civil Judge, Senior Division, Wani, District Yavatmal to the Family Court, Bhandara.
- c] The learned Civil Judge, Senior Division, Wani, is hereby directed to transfer the record and proceedings of Marriage Petition No. 77 of 2024 (old) Marriage Petition No. 40 of 2025 (new) to the Family Court, Bhandara.
- d] The Family Court, Bhandara, is directed to permit the present non-applicant to attend the proceedings through video conferencing.

At the same time, it is made clear that if the physical presence of the non-applicant is required, he will secure his presence and appear before the Family Court, Bhandara.

No order as to cost.

(PRAVIN S. PATIL, J.)