



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

MISC. CIVIL APPLICATION (TR.) NO.366/2026

Komal w/o Nikhil Vaidya,
Age: 29 yrs., Occu: Nil,
R/o. Frezarpura, Near Sidharth
Krida Mandal, Amravati, Rukhmini Nagar
Dist. Amravati

... **APPLICANT**

...VERSUS...

Nikhil s/o Shariflal Vaidya,
Age: 31 yrs., Occu: Pvt. Job,
R/o. Plot no.136-A, Near
Dharmraj School, Dhamanand
Nagar, Near Pili Nadi,
Uppalwadi, Nagpur- 440026

...**NON-APPLICANT**

Shri S.B. Dandhe, Advocate for applicant
Shri N.C. Vaidya, Advocate for non-applicant

CORAM : PRAVIN S. PATIL, J.

DATED : 12.02.2026

ORAL JUDGMENT

Heard. By consent of the parties, this matter is taken
for final disposal at admission stage.

2. By this application, the applicant is seeking the transfer of the proceedings vide Petition No.A-1027/2024 pending before learned Family Court, Nagpur to learned Family Court, Amravati.

3. The applicant came with the submission that she has already filed two proceedings before the Family Court, Amravati, one is arising out of the Protection of Women from Domestic Violence Act, 2005, and the second is for Divorce. Non-applicant is regularly attending the proceedings at the Family Court, Amravati.

4. The proceedings which the husband has filed at the Family Court, Nagpur is also for the divorce. As such, both have filed the proceedings for divorce, one is at the Family Court, Amravati, and the second is at the Family Court, Nagpur. Hence, applicant requested to transfer the proceedings from the Family Court, Nagpur, to the Family Court, Amravati, to avoid the diversity of the judgment in the matter.

5. The non-applicant, who appeared in the matter did not dispute this factual position. He stated that instead of transferring the proceedings from the Family Court, Nagpur to the Family Court,

Amravati, the proceedings can transfer from the Family Court, Amravati, to the Family Court, Nagpur, and he is ready to pay the travelling charges to the applicant. Hence, he prayed for rejection of the application.

6. As per the law laid down by the Hon'ble Supreme Court 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)*, 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.”

7. The Hon'ble Supreme Court has held that while considering the application for transfer, the convenience of the wife coupled with the fact that inter-dependency of both the matters should be considered. In the present matter, the non-applicant is already attending the proceedings at Amravati. Therefore, there will be no inconvenience for the husband if the proceedings are transferred from the Family Court, Nagpur, to the Family Court, Amravati. So also, it will be convenient for the applicant.

8. In view of this factual as well as legal position, I am satisfied that the applicant has made out a case for transfer of the proceedings. Accordingly, I proceed to pass following order:

ORDER

i) The application is allowed.

ii) The proceedings vide Petition No.A-1027/2024 pending before learned Family Court, Nagpur, is hereby transferred to the Family Court, Amravati.

iii) The Family Court, Nagpur, is requested to transfer the record and proceedings vide Petition No.A-1027/2024 to the Family Court, Amravati.

iv) The parties are directed to appear before the Family Court Amravati, on 26.02.2026.

9. The application stands disposed of. No order as to the costs.

(PRAVIN S. PATIL, J.)

R.S. Sahare