



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

MISC. CIVIL APPLICATION NO. 393 OF 2025

Vaishnavi w/o Swapnil Patil
Aged about : 27 Years, Occu : Housewife;
C/o Purushottam Vishnu Tekade
R/o Plot No. 14, Suryawanshi Layout;
Godhani Road, Nagpur, Tahsil and District
Nagpur.

... APPLICANT

VERSUS

Swapnil s/o Sudhakar Patil
Aged about : 31 Years, Occu : Service; R/o
Nandanvan Nagar, Malkapur, Tahsil
Malkapur, District Buldhana-443101.

... NON -APPLICANT

Ms. Naina P. Dhoke, Advocate for Applicant.

Mr. A. P. Kinkar, Advocate h/f Mr. R. G. Kavimandan, Advocate for
Non-applicant.

CORAM : PRAVIN S. PATIL, J.

DATE : JANUARY 28, 2026.

ORAL JUDGMENT

. Heard Ms. Naina Dhoke, learned Counsel for the Applicant and
Mr. A. P. Kinkar, learned Counsel appearing for the Non-applicant.

2. By this Application, the Applicant is seeking transfer of proceeding
bearing HMP No. 51/2025 filed by the Non-applicant under the provisions of

Hindu Marriage Act which is pending on the file of Civil Judge Senior Division, Malkapur, District Buldhana to the Family Court, Nagpur.

3. The Applicant has raised the ground that distance between Nagpur to Malkapur is about 375 Kms., and therefore, it is inconvenient for her to travel such a long distance. It is also pointed out that she has filed one proceeding arising out of the provisions of Protection of Women from Domestic Violence Act before the Judicial Magistrate First Class at Nagpur and the Non-applicant is attending the said proceeding at Nagpur. Accordingly, it is stated that no inconvenience would be caused to the Non-applicant, if the proceeding is transferred from Malkapur to Nagpur.

4. The learned Counsel for Non-applicant has strongly opposed this Application. According to him, initially the Applicant avoided to accept the summons of the proceeding filed by Non-applicant, as a result, the matter was proceeded ex parte and fixed for evidence. Hence, she has preferred this Application for transfer of HMP No. 51/2025.

5. During the course of hearing it is revealed that Non-applicant is presently serving at Hyderabad and he is already attending the proceeding

filed by the Applicant at Nagpur. Hence, it will be convenient for the parties to attend both the proceedings at Nagpur.

6. In my view, the Judgment of the Hon'ble Supreme Court in the case of *N.C.V Aishwarya V/s A. S. Saravana Karthik Sha, 2022 SCC OnLine SC 1199*, would be relevant in the matter. As per the said Judgment of the Hon'ble Supreme Court, all material facts which are placed on record needs to be considered by the Court and every case is to be decided independently. The observations of the Hon'ble Supreme Court in paragraph Nos.9 and 10 are 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. In the facts and circumstances of the matter, as Non-applicant No.2 is serving at Hyderabad, it will be more convenient for him to attend the proceeding at Nagpur. So also asking Applicant to travel at Malkapur, particularly when the Non-applicant No.2 is already attending one proceeding at Nagpur and it will not be inconvenient for him to travel from Hyderabad to Nagpur. In my opinion, following order will subserve the justice in the matter.

ORDER

1. Misc. Civil Application is allowed.
2. Hindu Marriage Petition No. 51/2025 filed by the Non-applicant is hereby transferred from the Civil Judge Senior Division, Malkapur to the Family Court, Nagpur.
3. The Civil Judge Senior Division, Malkapur is directed to transfer the R & P of the HMP No.51/2025 to the Family Court, Nagpur.
4. The Family Court, Nagpur is requested to preferably fix the dates of the

matter as far as possible on the dates fixed before the Judicial Magistrate First Class, Nagpur under the provisions of Protection of Women from Domestic Violence Act are fixed so that Non-applicant can attend simultaneously both the matters on the same day.

5. The Non-applicant is also permitted to attend the proceeding before the Family Court, Nagpur through Video Conferencing on the dates when his physical appearance is not required in the proceeding.
6. Both the parties are directed to co-operate to decide the Petition before the Family Court, Nagpur as expeditiously as possible.
7. No order as to costs.

[PRAVIN S. PATIL, J.]