



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

MISC. CIVIL APPLICATION NO. 399 OF 2025

Harsha Roshan Bagade

Aged about : 25 Years; Occu : Housewife; At present R/o – C/o Kausalyabai Motiram Sahare, Residing at present at Devrao Baba Chal, Rajputpura, Akola, Tahsil and District Akola.

... APPLICANT

VERSUS

Roshan Govardhan Bagade

Aged : 34 Years, Occu : Private Service; R/o Ratanganj, behind Gond Baba Mandir, Amravati, Tahsil and District Amravati.

... NON -APPLICANT

Mr. P. U. Kavishwar, Advocate for Applicant.
None for the Non-applicant.

CORAM : PRAVIN S. PATIL, J.

DATE : FEBRUARY 04, 2026.

ORAL JUDGMENT

. Heard Mr. P. U. Kavishwar, learned Counsel for the Applicant.

None appeared for the Non-applicant, though served.

2. By this Application, the Applicant is seeking transfer of the proceeding bearing Petition No. A-109/2025 filed by the Non-applicant/husband pending on the file of Family Court, Amravati to the Family Court, Akola.

3. This Court issued notice to the Non-applicant. The record shows that same is duly served in the month of September-2025, however, he chose to not appear in the matter. As such, all the averments made by the Applicant on affidavit are remained uncontroverted in the matter.

4. The Applicant states that two proceedings are pending at Akola bearing R.C.C. No. 1207/2025 for the offence punishable under Section 498-A of Indian Penal Code and Criminal M. A. No. 649/2025 under the provisions of the Protection of Women from Domestic Violence Act. As such, according to the Applicant, no inconvenience would be caused to the Non-applicant if the proceedings filed by him at Amravati are transferred to the Family Court, Akola.

5. It is further pertinent to note that as per the law laid down by 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***, the Hon'ble Supreme Court has observed 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 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 held that one of the issue of convenience along with the other issues is required to be considered while deciding the case of transfer of the proceedings arising out of the matrimonial dispute.

6. Hence, in my opinion, considering the fact that two proceedings are already pending at Akola, the proceeding which is filed by the Non-applicant for restitution of conjugal rights, can be transferred to the Family Court, Akola and it will be convenient for both the parties to prosecute their cause at one station. Hence, I proceed to pass following order.

ORDER

1. Misc. Civil Application is allowed.
2. The proceeding bearing Petition No. A-109/2025 filed by the Non-applicant/husband pending on the file of Family Court, Amravati is hereby transferred to the Family Court, Akola
3. The Family Court, Amravati is directed to transfer the Record and Proceeding of the Petition No. A-109/2025 to the Family Court, Akola.
4. No order as to costs.

[PRAVIN S. PATIL, J.]

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