



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

MISC. CIVIL APPLICATION (TR.) NO.434/2025

Sau. Deepali w/o Lalit Mahulkar
Age 28 Occu.- Housewife
D/o Vilas Girde
R/o Amarai Ward, Ghuggus
Tah- Chandrapur, Dist. Chandrapur
Maharashtra

... APPLICANT

...VERSUS...

Shri. Lalit s/o Suresh Mahulkar
Age 34, Occu. Business
S/o Suresh Mahulkar
R/o Plot No.419, Old Bagadganj
Garoba Maidan, Near Machipura
Garden Teh. Nagpur, District
Nagpur, Maharashtra

...NON-APPLICANT

Mrs. Gayatri Mohite, Advocate for applicant
None for non-applicant

CORAM : PRAVIN S. PATIL, J.

DATED : 16.01.2026

ORAL JUDGMENT

. Heard.

2. By this application, the applicant is seeking transfer of Marriage Petition No.A-1438/2024 pending before the Family Court, Nagpur to Civil Judge Senior Division, Chandrapur.

3. This Court by order dated 11.07.2025 issued notices to the non-applicant. The notices are duly served on the non-applicant, however, he chooses to remain absent in the matter. As such, all the submissions made by the present applicant remain uncontroverted in the matter.

4. It is the submission of the present applicant that she has already filed two proceedings before Chandrapur. One of the proceedings bearing Case No.16/2025 under the provisions of the Protection of Women from Domestic Violence Act, 2005 and another one bearing Case No.71/2025 for Restitution of Conjugal Rights. According to her, non-applicant has regularly attending both the proceedings at Chandrapur. Hence, no prejudice will be caused to him if the proceedings are transferred from Nagpur to Chandrapur.

5. It is pertinent to note that applicant is presently residing at Ghuggus, which is a distance of 23 kms. from Chandrapur. According to her, she is not getting any maintenance from the non-applicant. Therefore, it will be difficult for her to bear the travelling charges and to attend the proceedings at Nagpur from her residence.

6. As per the law laid down by the Hon'ble Supreme Court of India 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 also held that while deciding the matters of transfer arising out of the matrimonial dispute, one of the issues is also required to be taken into consideration the economic soundness of the parties. In the present matter, in my opinion, the applicant is not economically sound and, therefore, it will be proper to consider her grievance in the matter.

8. It is further pertinent to note that two proceedings are already pending at Chandrapur and non-applicant is attending the same at Chandrapur. Hence, no prejudice will be caused to him if the proceedings filed by him at Nagpur for divorce are transferred to Chandrapur. Hence, for the aforesaid reasons, the interference of this Court is necessary in the matter. Hence, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The proceedings bearing Marriage Petition No.A-1438/2024 is hereby transferred from Family Court No.2, Nagpur to Civil Judge Senior Division, Chandrapur.
- iii) The Family Court, Nagpur is directed to transfer the record and proceedings of Petition No. A-1438/2024 from Family Court Nagpur to Civil Judge Senior Division, Chandrapur.

9. In view of the above terms, the application stands disposed of. No order as to the costs.

(PRAVIN S. PATIL, J.)

R.S. Sahare