



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

MISC. CIVIL APPLICATION [TR] NO.570 OF 2025

Bilkis Bano w/o Kalim Manjre
Age 34 years, Occu-Household,
R/o. Gawalipura, New Town
Badnera, Dist. Amravati. .. Applicant

..Versus..

Kalim s/o Raj Mohammad Manjre,
Aged about 42 years,
Occupation-Agri and Business,
R/o. Ward No.1, Naigaon,
Tq. and Dist. Akola. .. Non-Applicant

.....
Shri Sumit B. Gandhe, Advocate for Applicant.
Shri Suraj P. Ghatol, Advocate for Non-Applicant.
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CORAM : PRAVIN S. PATIL, J.
DATED : 11.02.2026.

JUDGMENT

1. By this application, the applicant is seeking the transfer of Petition No.A-361/2024 pending on the file of Family Court, Akola to the Family Court, Amravati.

2. The applicant came with a submission that she has filed the proceeding for maintenance before the Family Court, Amravati in the year 2015. The non-applicant failed to deposit the said maintenance amount and, therefore, the execution proceedings are now pending before the Family Court, Amravati. As such, considering this fact only to harass the present applicant, after 14 years of their desertion, now the non-applicant has filed the proceeding for declaration of nullity of marriage before the Family Court, Akola. As such, according to the applicant, as the non-applicant is already attending one of the proceeding at Amravati, no prejudice would be caused to him if proceeding filed by him is transferred to the Family Court, Amravati.

3. The non-applicant strongly opposed the application. It is pointed out by the non-applicant that one more proceeding was filed by the applicant-wife arising out of the Protection of Women from Domestic Violence Act. However, she has not attended the said proceeding and, therefore, same was dismissed. It is also the submission of the present non-applicant that the distance between Akola to Amravati is nearly 100 km

and, therefore, same cannot be a reason to transfer the proceeding from Akola to Amravati.

4. In the background of the rival submission of both the parties, it will be profitable to refer the judgment of Hon'ble Supreme Court of India in case of ***N.C.V. Aishwarya .vs. A.S. Saravana Karthik Sha, reported in 2022 SCC OnLine SC 1199***, wherein it is 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.

5. The Hon'ble Supreme Court has held that one of the factor needs to be considered is the convenience of the wife and also if one of the proceeding is pending at one station, it is always desirable that both the proceedings should be continued at one station.

6. The applicant, in support of his submission, has relied upon the judgment of *Manjula Singh Chouhan .vs. Vishal Singh Chouhan, reported in MANU/SC/1430/2018 in Civil Appeal No.11412/2018 decided on 27.11.2018.*

7. In view of this legal position and the fact that the present non-applicant did not clear the maintenance amount till date, the behaviour of the non-applicant is also required to be considered in the matter as held by the Hon'ble Supreme Court in the case of *N.C.V. Aishwarya (supra).*

8. In the circumstances, I am of the opinion that as one of the proceeding is already pending before the Family Court,

Amravati, no prejudice would be caused to the non-applicant if the proceedings are transferred from Family Court, Akola to Family Court, Amravati. Hence, I proceed to pass the following order :

ORDER

- (1) The application is allowed.
- (2) The proceeding of Petition No.A-361/2024 is hereby transferred from Family Court, Akola to Family Court, Amravati.
- (3) The Family Court, Akola is requested to transfer the record and proceedings of Petition No.A-361/2024 to the Family Court, Amravati.
- (4) The Family Court, Amravati is directed to allow the present non-applicant to attend the proceeding through video conference when his physical attendance is not required on the date fixed by the Family Court, Amravati.

(Pravin S. Patil, J.)