



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

MISC. CIVIL APPLICATION (TR.) NO.622/2025

Sau. Neeta w/o Swapnil Godhankar,
Ne Neeta P. Talandi,
Aged 37 years, Occ.: Business,
R/o. C/o. Palak H.P. Gas, Sironcha,
Tahsil Sironcha, District Gadchiroli

... APPLICANT

...VERSUS...

Shri Swapnil s/o Harihar Godhankar,
Aged 37 years, Occ.: Business,
R/o. New Narsala Road, Flat No.401,
Mahalaxmi Apartment,
Mahalaxmi Nagar, Nagpur- 440034

.....NON-APPLICANT

Shri Yashodhan Chavan, Advocate h/f Shri Ramaa Bhondwe, Advocate for applicant
Shri P.U. Kavishwar, Advocate h/f Shri G.C. Khond, Advocate for non-applicant

CORAM : PRAVIN S. PATIL, J.

DATED : 18.02.2026

ORAL JUDGMENT

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

2. By this application, the applicant seeks transfer of the proceedings bearing HMP No. A-174/2025 from the Family Court, Nagpur to the Court of the Civil Judge, Senior Division, Gadchiroli.

3. The submission of the present applicant is that she has two minor school-going children residing with her. It is further stated that the distance between Village Sironcha and Nagpur is approximately 350 kms, and there is no regular public transportation available to travel such a long distance.

4. In addition to the above, four other matters are pending between the parties at Sironcha and Gadchiroli, namely:

(1) Criminal M.A. No. 101/2022 filed under Section 125 of the Code of Criminal Procedure for maintenance;

(2) PWDVA No. 01/2022 pending before the Judicial Magistrate First Class, arising out of the provisions of the Protection of Women from Domestic Violence Act;

(3) S.C.S. No. 22/2021 pending before the Civil Judge, Senior Division, Gadchiroli; and

(4) S.C.S. No. 06/2022 filed by the father of the applicant against the non-applicant, pending before the Civil Judge, Senior Division, Gadchiroli.

5. It is further stated that the non-applicant is regularly attending the proceedings at Sironcha and Gadchiroli.

6. The non-applicant has vehemently opposed the present application. It is contended that the proceedings filed by him at Nagpur are not connected with the matters pending at Gadchiroli. According to him, the said proceedings are independent and within the jurisdiction of the Family Court at Nagpur, and therefore, same should not liable to be transferred to Gadchiroli.

7. 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.”

8. The law laid down by the Hon'ble Supreme Court clarified that prevailing socio-economic paradigm, the convenience of the wife should be considered as one of the relevant factors while deciding a transfer petition. It has also been observed that, where more than one proceedings between the parties are pending at one station, it is desirable that all such proceedings be tried and decided at the same station. Hence, in view of the law laid down by the

Hon'ble Supreme Court, considering the submission putforth by applicant, the proceedings are deserved to be transferred from Nagpur to Gadchiroli.

9. It is also pertinent to note that the non-applicant is already attending the proceedings at Sironcha and Gadchiroli. If the present proceedings are transferred from Nagpur to Gadchiroli, in my opinion, no prejudice would be caused to the non-applicant; rather, it would be convenient for the parties if all the matters are decided at one station.

10. Hence, for the reasons stated above, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- (ii) HMP No. 174/2025 is transferred from the Family Court, Nagpur to Civil Judge, Senior Division, Gadchiroli.

(iii) The Family Court, Nagpur is directed to transfer the record and proceedings of HMP No. 174/2025 to the Civil Judge, Senior Division, Gadchiroli.

(iv) The parties shall appear before the Civil Judge, Senior Division, Gadchiroli on 26.03.2026.

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

(PRAVIN S. PATIL, J.)

R.S. Sahare