



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

MISC. CIVIL APPLICATION (TR.) NO.687/2025

Mrs. Shraddha Nandakishor Wankhade,
Age about 24 years, Occ. Household,
Residing at present C/o Rekha Manikrao
Sardar, Nisarag Nagari Apartment, Flat
no.2, 2nd Floor, Tq. And Dist. Akola

... APPLICANT

...VERSUS...

Mr. Nandakishor Samadhan Wankhade,
Age 26 years, Occ. Labour, R/o Post
Loni, Gawali, Tq. Mehkar, Dist.
Buldhana.

.....NON-APPLICANT

Shri P.U. Kavishwar, Advocate for applicant

Shri S.S. Purwar, Advocate h/f Shri N.R. Tekade, 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. 115/2025 from the Civil Judge, Senior Division, Mehkar to the Family Court at Akola.

3. The applicant has raised the ground that she has a two-year-old child in her custody. Two proceedings filed by her are already pending at Akola, and the same are being duly attended by the non-applicant at Akola. Hence, according to the applicant, no prejudice would be caused to the non-applicant if the proceedings filed by him at Mehkar are transferred to Akola.

4. The non-applicant has strongly opposed the application. He has stated that the proceedings pending at Mehkar are now at the stage of evidence, and therefore, at this stage, the proceedings cannot be transferred as per the request of the applicant to the place of her choice. Hence, he has prayed for rejection of the application.

5. In view of the statement of the non-applicant, a specific query was made as to whether the evidence has been recorded by

the Court of the Civil Judge, Senior Division, Mehkar. He has fairly stated that no evidence has yet been recorded by the Court at Mehkar. The case is only posted for recording of evidence.

6. In my opinion, considering the fact that two proceedings are already pending at Akola, under Section 125 of the Criminal Procedure Code for maintenance and another under the provisions of the Protection of Women from Domestic Violence Act and that the non-applicant is attending the said proceedings at Akola, it would be proper to transfer the proceedings filed by the husband at Mehkar to Akola.

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. In the present case, the law laid down by the Hon’ble Supreme Court clarifies that 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 other 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, no inconvenience would be caused to the non-applicant if the proceedings are transferred from Mehkar to Akola.

9. Accordingly, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The proceedings bearing HMP No. 115/2025 from the Civil Judge, Senior Division, Mehkar, is hereby transferred to the Family Court at Akola.
- iii) The Civil Judge, Senior Division, Mehkar is directed to transfer the record and proceedings to the Family Court at Akola.
- iv) Parties are before appear before the Family Court at Akola on 02.03.2026.

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

(PRAVIN S. PATIL, J.)

R.S. Sahare