



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

MISC. CIVIL APPLICATION (TR) NO. 762 OF 2025

APPLICANT :- Snehal w/o Vishal Upadhyay,
Aged about 32 years, Occupation:
Service, R/o Plot No. 18, New Narsala
Road, Indra Nagar, Mhalgi Nagar,
Nagpur-440034.

..VERSUS..

**NON-
APPLICANT** :- Vishal s/o Mukteshwar Upadhyay,
Aged about 37 years, Occupation:
Service, R/o D-703, Seventh Floor, Shiv
Sai Vishwa, Survey No.161, Shiv Sai
Lane, Near Lotus Hospital, Pimpale
Saudagar, Pune-411027.

Ms Vaidehi Salivkar, counsel h/f Mr Deepanshu Verma, counsel for applicant.
None for non-applicant.

CORAM : **PRAVIN S. PATIL, J.**

DATE : **10/02/2026**

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of Ms Vaidehi Salivkar, counsel holding for Mr. Deepanshu Verma, learned counsel for applicant, the application is taken up for final hearing at the stage of admission.

2. By this application, the applicant is seeking transfer of the Marriage Petition No. 2/2025 from the file of District and Additional

Sessions Judge, Pune to learned District and Additional Sessions Judge, Nagpur.

3. The submission of the present applicant is that she has already filed two proceedings, i.e. Marriage Petition No. A-962/2025 for Divorce and Petition No. E-230/2024 for maintenance. Both proceedings are pending before the Family Court, Nagpur. The non-applicant is attending the proceedings at Nagpur.

4. This Court, considering the grievance raised by the present applicant, issued notice to the non-applicant. The applicant by private mode of service served the non-applicant in the matter, and placed on record the affidavit. It is also seen from the affidavit that, in addition to registered post through WhatsApp also the copy was served on the non-applicant. The said service was effected in the month of December 2025. However, non-applicant has chosen not to appear in the present matter.

5. Learned counsel for the applicant submitted that the proceedings which are filed by the husband at Pune and that proceedings pending before the Family Court, Nagpur are interdependent, and relied upon the law laid down by the Hon'ble Supreme Court of India in the case of *N.C.V. Aishwarya Versus A.S. Saravana Karthik Sha reported in 2022 LiveLaw (SC) 627*, wherein Hon'ble Supreme Court of India has observed in paragraph Nos. 9 and 10 of the judgment, which reads thus:-

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

socioeconomic 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.

6. In view this legal position, the submission of the present applicant that, as the proceedings are interdependent, it is necessary to be transfer at one station.

7. It is pointed out by the applicant that distance between Nagpur to Pune is near about 700 km, and it will not be possible as well as convenient for the applicant to travel such a long distance on each date at Pune. On the other hand, the non-applicant is already attending the proceedings at Nagpur.

8. Considering the entire submission made by the applicant, I am satisfied that she has made out a case for transfer of the proceedings from Pune to Nagpur. Accordingly, I proceed to pass the following order.

ORDER

- a] The Misc. Civil Application is **allowed**
- b] The proceedings bearing Marriage Petition No. 02/2025 is hereby transferred from District and Additional Sessions Judge, Pune to District and Additional Sessions Judge, Nagpur.
- c] The District and Additional Sessions Judge, Pune is requested to transfer the Record and Proceedings of Marriage Petition No. 02/2025 to the District and

Additional Sessions Judge, Nagpur.

- d] The parties are directed to appear before the District and Additional Sessions Judge, Nagpur on 07/03/2026.
- e] All pending application(s) stand disposed of.

9. Rule is made absolute in the aforesaid terms. No order as to costs.

(PRAVIN S. PATIL, J)