



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

MISC. CIVIL APPLICATION (TR.) NO.790/2025

Sau. Vishakha w/o Pralay Ramteke,
Aged about 41 years,
Occupation : Household,
R/o C/o Bhimrao Punwatkar,
Plot No.4, Behind Regalia lawn, Near
Gangotri Resort, Santoshi Mata Nagar,
Nara, Nagpur- 440014.

... **APPLICANT**

...VERSUS...

Pralay s/o Suresh Ramteke,
Aged about 35 years,
Occupation: Service,
R/o Flat No. D/1101, Hiraco
Eminence Phase-01, Behind Kashmira
Police Station, Near Samvaad Studio,
Mira Road, Thane- 401107

...**NON-APPLICANT**

Shri D.A. Thengre, Advocate for applicant
None for non-applicant

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

DATED : **16.01.2026**

ORAL JUDGMENT

. Heard.

2. By way of this application, the applicant is seeking transfer of Marriage Petition No.25/2025 pending on the file of District Judge and Additional Sessions Judge, Thane to Family Court, Nagpur.

3. This Court, on 06.11.2025 issued notice to the non-applicant. This Court permitted the applicant to serve the non-applicant by private mode of service in addition to regular mode of service. Accordingly, the service affidavit is placed on record to demonstrate that by private mode, the service is effected on non-applicant on 17.11.2025.

4. It is also pointed out from the Rojnama of the proceedings pending before learned Sessions Judge, Thane, whereby it is clear that the order of this Court dated 06.11.2025 was placed on record and the copy of the same was also supplied to the non-applicant. Hence, it is clear that non-applicant is well aware about the pendency of the present proceedings. However, he chooses to remain absent in the present matter. In view of this, all the averments made by the applicant in the present application remain uncontroverted.

5. The case of the applicant is that she has filed one of the proceedings bearing Case No.E-350/2024 under Section 144 of the Bhartiya Nagarik Suraksha Sanhita for grant of maintenance. According to the applicant, the non-applicant is duly served and attending the said proceedings at Nagpur.

6. It is further pointed out that the distance between Nagpur to Thane is near about 700 kms. and, therefore, it will be difficult for applicant to travel such a long distance from Nagpur to Thane.

7. It is also pointed out that for attending the proceedings, she is not having a place for stay and also she is likely to face various difficulties while traveling such a long distance. Hence, this aspect needs consideration in the matter while dealing with transfer the proceedings from the Additional Session Judge, Thane to the Family Court, Nagpur.

8. 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.”

9. In view of above facts and settled principles of law, it is clear that the distance between Nagpur to Thane is near about 700 kms. The non-applicant has already attending one of the

proceedings, at Nagpur. Therefore, in my opinion, no prejudice will be caused to the non-applicant if the proceedings are transferred from the District and Sessions Judge, Thane to the Family Court, Nagpur. Hence, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The proceedings bearing Marriage Petition No.25/2025 pending on the file of District Judge and Additional Sessions Judge, Thane is hereby transferred to Family Court, Nagpur.
- iii) The Additional Sessions Judge, Thane is directed to transfer the record and proceedings of Petition No.25/2025 to the Family Court, Nagpur.

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

(PRAVIN S. PATIL, J.)

R.S. Sahare