



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
MISC. CIVIL APPLICATION NO. 803 OF 2025**

Navmita Mayur Patekar
Aged : 25 Years, Occu : Nil; R/o C/o Usha
wd/o Suryaprakash Pachkhande, Jagdamba
Park, Kawadipur, Pusad, Tahsil Pusad,
District Yavatmal.

... APPLICANT

VERSUS

Mayur Dadarao Patekar
Aged : 33 Years, Occu : Service; R/o
Gunjakheda, Deoli, Tahsil Deoli, District
Wardha.

... NON-APPLICANT

Mr. V. N. Patre, Advocate for Applicant.
None for the Non-applicant.

**CORAM : PRAVIN S. PATIL, J.
DATE : JANUARY 28, 2026.**

ORAL JUDGMENT

. Heard Mr. V. N. Patre, learned Counsel for the Applicant. None appeared for the Non-applicant, though served.

2. This Court, on 13/11/2025, issued notices to the Non-applicant. The Applicant herein has filed affidavit of service on record. So also the Non-applicant is served by regular mode in the month of December-2025.

However, he chose to not appear in the matter, therefore, this matter is taken up for final disposal.

3. By the present Application, the Applicant is seeking transfer of the proceeding bearing Hindu Marriage Petition No. 182/2025 filed by the Non-applicant pending on the file of Civil Judge Senior Division, Wardha to Civil Judge Senior Division, Pusad, District Yavatmal.

4. It is the submission of the Applicant that distance between Pusad to Wardha is near about 180 kms. The Applicant is having a minor child of 2½ years old, and therefore, it is inconvenient for her to travel on each and every date to attend the proceeding from Pusad to Wardha. So also it is stated that she is not having independent source of income, and therefore, she is finding difficult to bear the travelling charges of to and fro for attending the proceeding at Wardha.

5. The averments made by the Applicant in the matter are remained uncontroverted due to absence of the Non-applicant in the matter.

6. In my view, the Judgment of the Hon'ble Supreme Court in the case of *N.C.V Aishwarya V/s A. S. Saravana Karthik Sha, 2022 SCC OnLine SC 1199*, would be relevant in the matter. As per the said Judgment, all material

facts which are placed on record needs to be considered by the Court and every case is to be decided independently. The observations of the Hon'ble Supreme Court in paragraph Nos.9 and 10 are 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.”

According to the Hon'ble Supreme Court, convenience of the wife is one of the factor which should be considered by the Court while entertaining application under Section 24(1)(A) of the Code of Civil Procedure.

7. The Applicant has pointed out that she will cause inconvenience, if the proceeding is transferred from Wardha to Pusad. It is pointed out that one proceeding is already filed by the Applicant/wife under the provisions of Protection of Women From Domestic Violence Act and the same is pending at Pusad. As such, according to the Applicant, no inconvenience would be caused to the Non-applicant, if the proceedings are transferred from Wardha to Pusad.

8. In the background of aforesaid factual position, in my opinion, the Applicant has made out a case for transfer of the proceeding from Wardha to Pusad. Resultantly, I proceed to pass following order.

ORDER

1. Misc. Civil Application is allowed.
2. The proceeding bearing Hindu Marriage Petition No. 182/2025 filed by the Non-applicant pending on the file of Civil Judge Senior Division, Wardha is hereby transferred to the Civil Judge Senior Division, Pusad, District Yavatmal.
3. The Civil Judge Senior Division, Wardha is directed to transfer the Record and Proceeding to the Civil Judge Senior Division, Pusad, District Yavatmal.

4. Parties to appear before the Civil Judge Senior Division, Pusad on 16th February, 2026.

[PRAVIN S. PATIL, J.]

vijaya