



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

MISC. CIVIL APPLICATION (TR.) NO.868/2025

Smt Rukma w/o Roshan Yadav,
Aged about 32 years,
Occupation – Nil,
R/o – C/o. Shreekishan Yadao
Rayatwari Colliery, Near Railway
Gate, Behind Naz Saloon,
Chandrapur, Tah. Chandrapur
District- Chandrapur- 442401

... **APPLICANT**

...VERSUS...

Shri Roshan s/o Dhanraj Yadav
Aged about 40 years,
Occupation- Business,
R/o – Chitranjan Nagar
Near Panchayat Samiti Gate,
Railway Station Road, Kamptee,
Tah- Kamptee,
District Nagpur- 441001

...**NON-APPLICANT**

Ms Preeti Gwalani, Advocate (appointed) for applicant
Shri J.K. Matale, Advocate for non-applicant

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

DATED : **05.02.2026**

ORAL JUDGMENT

Heard.

2. By this application, the applicant is seeking the transfer of HMP No.536/2022 as well as Execution proceedings Reg. Dkst. No.140/2025, pending before the Civil Judge, Senior Division Nagpur to Civil Judge Senior Division, Chandrapur.

3. The applicant came with a submission in the present matter that she has attended the proceedings at Nagpur and moved a specific application for interim maintenance under Section 24 of the Hindu Marriage Act filed by non-applicant, which includes the travelling charges. The learned Civil Judge Senior Division allowed the application and directed the non-applicant to pay maintenance to the present applicant.

4. It is also stated that applicant has moved 2 to 3 applications directing the non-applicant to comply the order so that it will be possible for her to bear the travelling charges as she is facing financial crises. However, that order is not complied with by the present applicant till date. As such, it is difficult for her to attend the proceedings at Nagpur. Therefore, she has moved the present application before this Court.

5. The non-applicant has strongly opposed the present application. According to him, the applicant is taking private tuition and she is an earning lady and, therefore, such cannot be a reason for transfer of the proceedings from one place to another and, therefore, he requested to dismiss the present application.

6. 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.”

7. Perusal of the judgment of the Hon’ble Supreme Court of India clearly states that while dealing with the cases of transfer, the behavioural pattern of the parties is also required consideration by the Court. In the present case, *prima facie* from the submission of the applicant, which is a matter of record, it is clear that non-applicant is avoiding to comply the order the Court to pay the interim maintenance to the applicant. Consequently, she is unable to attend the proceedings at Nagpur. In my opinion, this is the sufficient reason for transfer of the proceedings as per the law laid down by the Hon’ble Supreme Court of India.

8. In the circumstances, I proceed to pass the following order:

ORDER

i) The application is allowed.

- ii) The pending proceedings bearing HMP No.536/2022 as well as Execution proceedings Reg. Dkst. No.140/2025 filed by the applicant pending before the Civil Judge, Senior Division Nagpur, is hereby transferred to Civil Judge Senior Division, Chandrapur.
- iii) The Civil Judge Senior Division, Nagpur, is directed to hand over the record and proceedings of HMP No.536/2022 as well as Execution proceedings Reg. Dkst. No.140/2025 to the Civil Judge Senior Division, Chandrapur.
- iv) The parties are directed to appear before the Civil Judge Senior Division, Chandrapur, on 09.03.2026.
- v) Fees to the appointed Counsel be quantified as per the Rules.

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

(PRAVIN S. PATIL, J.)

R.S. Sahare