



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR  
MISC. CIVIL APPLICATION NO. 903 OF 2025**

Manisha Pawan Pawar

Aged about : 39 Years, Occu : Nil; R/o C/o  
Vasant Khair, 2/C, Damodar Housing  
Society, Bajaj Nagar, Nagpur-440010.

... APPLICANT

**VERSUS**

Pawan Ramesh Pawar

Aged about : 48 Years; Occu : Business; R/o  
Harinandan Society, Shivaji Nagar, Sinner,  
District Nashik-422103.

... NON -APPLICANT

Mr. S. R. Sayare, Advocate for Applicant.  
None for the Non-applicant.

**CORAM : PRAVIN S. PATIL, J.  
DATE : JANUARY 30, 2026.**

**ORAL JUDGMENT**

. Heard Mr. S. R. Sayare, learned Counsel for Applicant. None appeared for the Non-applicant, though served by private mode of service.

2. The Applicant, by way of present Application, is seeking transfer of the Hindu Marriage Petition No. 87/2025 filed by the Non-applicant pending on the file of Civil Judge Senior Division, Sinner, District Nashik to the Family Court, Nagpur.

3. In the present matter this Court, on 16/12/2025 issued notice to the Non-applicant and permitted the Applicant to serve the Non-applicant by private mode of service. Accordingly, the Applicant has served the Non-applicant by private mode of service and filed affidavit to that effect on record. Thereafter this Court, by way of indulgence, adjourned the matter on 16/1/2026 and 23/1/2026 in order to grant opportunity to the Non-applicant to appear in the matter. However, the Non-applicant has chosen to not appear before this Court and contest the present Application. As such, all averments made by the Applicant are remained uncontroverted.

4. It is the submission of the present Applicant that she is the second wife of the Non-applicant. After marriage there was a matrimonial discord, and therefore, she has shifted to Nagpur. After shifting to Nagpur, she has filed proceeding bearing Criminal Misc. Application No. 4238/2024 under the provisions of Protection of Women from Domestic Violence Act before the Civil Judge Senior Division, Nagpur and another proceeding bearing Petition No. 371/2024 before the Family Court, Nagpur for grant of maintenance. The notices of both the cases are served to him.

5. It is also pointed out by the Applicant that the Non-applicant is regularly attending the said proceeding bearing Criminal M. A. No. 4238/2024

before 22<sup>nd</sup> Joint Civil Judge Senior Division and Additional Chief Judicial Magistrate at Nagpur. As such, it is quite possible that the Non-applicant should attend the proceeding at Nagpur.

6. It is pointed out by the Applicant that she is facing the financial crisis, as the Non-applicant is not regularly paying the maintenance. So also the distance between Nagpur to Sinner, District Nashik is around 650 kms., and therefore, it will not be convenient for the Applicant to travel such a long distance to attend the proceeding.

7. 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 of the Hon'ble Supreme Court, 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.”*

8. In the light of above observations made by the Hon'ble Supreme Court of India and considering the fact that distance between Nagpur to Sinner is around 650 kms. and Non-applicant is already attending the proceedings at Nagpur, I proceed to pass following order.

#### ORDER

1. Misc. Civil Application is allowed.
2. The Hindu Marriage Petition No. 87/2025 filed by the Non-applicant pending on the file of Civil Judge Senior Division, Sinner, District Nashik is hereby transferred to the Family Court, Nagpur.

3. The Civil Judge Senior Division, Sinner, District Nashik is directed to transfer the Record and Proceeding of the proceeding bearing Hindu Marriage Petition No. 87/2025 immediately to the Family Court, Nagpur.
4. The parties are directed to appear before the Family Court, Nagpur on 26<sup>th</sup> February, 2026.
5. Both the parties are directed to co-operate to decide the proceedings before the Family Court, Nagpur as expeditiously as possible.
6. No order as to costs.

**[PRAVIN S. PATIL, J.]**