



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

MISC. CIVIL APPLICATION (TR) NO. 906 OF 2025

APPLICANT :- Sau Prachi w/o Lokesh Humne,
Aged about 26 years, Occupation:
Household, R/o C/o Rajratan Meshram,
Shivaji Ward, Desaiganj Tah. Desaiganj,
District Gadchiroli.

..VERSUS..

RESPONDENT :- Lokesh s/o Bhauraoji Humne,
Aged about 29 years, Occupation:
Business,
R/o Keshav Nagari, Sangadi, Tah.
Sakoli, District Bhandara.

Mr. I.K. Daudasare, counsel for applicant.
None for respondent.

CORAM : PRAVIN S. PATIL, J.

DATE : 25/02/2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith.
2. By this application, the applicant is seeking transfer of the Marriage Petition No. 38 of 2025 from the file of Joint Civil Judge, Senior Division, Bhandara to Civil Judge, Senior Division, Gadchiroli.
3. It is the case of the present applicant that she is residing at Desaiganj with mercy of her parents. She has filed the proceedings under

the provisions of Protection of Women from Domestic Violence Act before the Judicial Magistrate First Class, Desaiganj, District Gadchiroli. The respondent is attending the said proceedings at Desaiganj, District Gadchiroli.

4. The learned counsel for the applicant also pointed out that she has filed the proceedings for restitution of conjugal rights before the Civil Judge, Senior Division, Gadchiroli. In the said proceedings also, the respondent is regularly attending the proceedings.

5. It is the submission of present applicant that only to counterblast these two proceedings which are filed by the present applicant, he has filed the proceedings for divorce before the Joint Civil Judge, Senior Division, Bhandara. Hence, she seeks transfer of the proceedings from Bhandara to Gadchiroli.

6. In this matter, this Court has issued the notice to the respondent. The office record shows that notice is duly served on the respondent, but he chooses not to appear in the present matter. As such, all the averments made by the applicant in the present application are remained uncontraverted.

7. Learned counsel for the applicant submitted that the proceedings which are filed by the husband at Bhandara and the proceedings pending before the Family Court, Gadchiroli 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.

8. From the judgment of the Hon'ble Supreme Court of India, it is held that if there are multiple cases which are interdependent, then in such situation, it will be proper to transfer all such cases at one Court to avoid the diversity in the judgments of the matter. So also, the convenience of wife is one of the factors, which also needs to be considered by the Court in the proceeding for transfer of the matrimonial matters.

9. In the present case, admittedly in two proceedings filed by the applicant, one at Desaiganj, District Gadchiroli and second at Civil Judge, Senior Division, Gadchiroli, the respondent is regularly attending the proceedings. As such, no prejudice would be caused to the respondent if Marriage Petition No. 38/2025 is transferred from Bhandara to Gadchiroli.

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

ORDER

- a] The Misc. Civil Application is **allowed**
- b] The proceedings bearing Marriage Petition No. 38/2025 pending on the file of Joint Civil Judge, Senior Division, Bhandara is hereby transferred to Civil Judge, Senior Division, Gadchiroli.
- c] The Civil Judge, Senior Division, Bhandara is directed to transfer the record and proceedings of the Marriage Petition No. 38/2025 to the Civil Judge, Senior Division, Gadchiroli.
- d] The parties are directed to appear before the Civil Judge, Senior Division, Gadchiroli on 23/03/2026.
- e] All pending application(s) stand disposed of.

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

(PRAVIN S. PATIL, J)