



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

MISC. CIVIL APPLICATION NO.226 OF 2026

Mrs. Priya alias Khushi Satish Irve .Vs. Mr. Satish Motiram Irve

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. V.V. Raut, Advocate for applicant.

CORAM : ROHIT W. JOSHI, J.

DATE : 05/05/2026

1. The present application is filed seeking transfer of HMP No.116 of 2024 from the file of the learned Joint Civil Judge Senior Division, Darwha, Dist. Yavatmal to the Court of learned Civil Judge Senior Division at Achalpur, Dist. Amravati.

2. It is stated that the applicant/wife has no source of income and it will be difficult for her to travel from Achalpur to Darwha for prosecuting the restitution petition filed by the husband.

3. It is also stated that proceedings under the Protection of Women From Domestic Violence Act, 2005 is filed by the applicant/wife before the Court at Achalpur and therefore it will be expedient that the restitution petition is also transferred to Achalpur.

4. It is not in dispute that the couple is blessed with three children, who are aged around 7, 12 and 13 years. All three children are staying with the respondent/husband. In the considered opinion of this Court, it will be difficult

for the husband to travel to Achalpur, leaving three minor children behind.

5. The domestic violence case is filed after institution of restitution petition filed by the husband.

6. The learned advocate for the applicant places reliance on judgment of the Hon'ble Supreme Court in the case of *Guda Vijayalakshmi ..vs.. Ramchandra Sekhara Sastry*¹. The Hon'ble Supreme Court has expressed held that petitions for judicial separation and restitution of conjugal rights should normally decided by the same Court to avoid conflicting decrees. The ratio of the said judgment cannot be applied in the present case, where one proceeding is filed for restitution and other is filed invoking the provisions of Domestic Violence Act.

7. In view of the reasons recorded above, application is **rejected**.

8. In the event the applicant /wife makes an application for appearance through Video Conferencing, the same may be considered favourably and permission to appear through Video Conferencing may be granted on such dates and at such stages as is deemed appropriate by the learned Court.

9. It will be open for the applicant/wife to move appropriate application before the learned trial Court seeking traveling and other expenses for personally attending the Court proceedings at Darwha.

(ROHIT W. JOSHI, J.)