

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 114 OF 2017

Mrs. Rajashri Kakasaheb Waghmare ... Applicant

Versus

Mr. Kakasaheb Butenath Waghmare ... Respondent

Mr. Sachin Punde for the Applicant.
Mr. Rahul Tiwari for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 21st AUGUST, 2017

P.C.:

1. By the above Miscellaneous Civil Application filed under Section 24 of the Code of Civil Procedure, 1908, the Applicant-wife seeks transfer of Hindu Marriage Petition No.A-1528 of 2016 filed by the Respondent-husband seeking divorce pending before the Family Court at Bandra, Mumbai to the Court of Civil Judge, Senior Division at Pune.
2. According to the Applicant, she is required to take care of her twin daughters and is therefore, unable to leave Pune and attend to the Divorce Petition filed by the Respondent-husband at Mumbai. The Respondent-husband submits that he is a Software Engineer working at Mumbai and it is very difficult for him to repeatedly apply and obtain leave from his office to go and attend the proceedings if transferred to the Court at Pune.

3. Both the parties are educated. Since inconvenience and hardship will be caused to both the parties if they are required to travel between Mumbai-Pune or Pune-Mumbai, and since it is possible for the parties to conduct the proceedings through video-conferencing, I pass the following order.

(i) The Family Court at Bandra, Mumbai shall conduct the proceedings in Hindu Marriage Petition No.A-1528 of 2016 through video-conferencing. In the event of any difficulty, the Respondent undertakes to provide to the Court, a laptop, WIFI and other equipments necessary to conduct the proceedings through video-conferencing.

(ii) The Court of Civil Judge, Senior Division at Pune shall allow the Applicant and her Advocate to use the video-conferencing facilities available with the Court to conduct the proceedings of Hindu Marriage Petition No. A-1528 of 2016 through video-conferencing on the dates, fixed by the Family Court at Bandra, Mumbai.

(iii) The Family Court at Bandra, Mumbai shall endeavour to dispose off the Hindu Marriage Petition No. A-1528 of 2016 within a period of six months from the date of this Order.

(iv) The parties shall not seek adjournment/s unless absolutely necessary. The Family Court at Bandra, Mumbai shall also not grant adjournment/s to either side unless absolutely necessary.

(v) Since the proceedings shall be conducted through video-conferencing, the Family Court at Bandra, Mumbai shall fix the hearing of the matter at the time specified in advance.

(vi) The Respondent undertakes to regularly pay maintenance to the Applicant until further orders are passed by the appropriate Court. The undertaking is accepted.

4. The above Miscellaneous Civil Application No.114 of 2017 is accordingly disposed off.

(S.J.KATHAWALLA,J.)