

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 221 OF 2017

Manisha Mandape

...Applicant

Vs.

Sameer Mandape

....Respondent

Mr. Himanshu Shinde for the Applicant.

Mr. Sachindra Shetye for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 11TH 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 Petition No. 32 of 2017 filed by the Respondent-husband and pending before the Civil Judge, Senior Division, Ratnagiri to the Family Court at Bandra, Mumbai.

2. The marriage between the Applicant and the Respondent was solemnised on 22nd November, 2014. Since disputes arose between the parties, the Applicant returned to her parental home at Andheri, Mumbai. The Applicant has stated that she is a working lady and travelling from Mumbai to Ratnagiri will cause grave inconvenience and hardship to her. Since she is working as a Primary School Teacher, it will not be possible for her to remain absent in School and attend to the proceedings filed by the Respondent before the Court at Ratnagiri. This would not only affect the

studies of the small children whom she is teaching but would also affect her performance in service. She has submitted that her monthly salary is Rs. 20,000/-. From the amount that she earns, she is required to take care of herself and her parents. She has submitted that it is also not possible for her to bear the travel expenses, if she has to undertake a journey of 400 kilometres from Mumbai to Ratnagiri. She has submitted that various attempts have been made by the Mediator to assist the parties in arriving at an amicable reconciliation/settlement. However all such attempts have failed. She has therefore submitted that her above Application be allowed.

3. The Respondent has submitted that he is a doctor by profession and is working at a hospital at Khed, Maharashtra. It will be very difficult for him not to attend to his patients and regularly come to Mumbai to attend the proceedings filed by him, if the same are transferred from Ratnagiri to Mumbai.

4. From the aforesaid facts, it is clear that inconvenience and hardship will be caused to both the parties if the Applicant is required to go to Ratnagiri to defend the divorce proceedings filed by the Respondent or for the Respondent to come and attend to his proceedings at Mumbai if the same are transferred to the Family Court at Bandra. Hence the following order:

- (i) M.P. No. 32 of 2017 shall be proceeded with by the Court of Civil Judge, Senior Division, Ratnagiri, through video conferencing.
- (ii) The Applicant shall not be required to personally attend the Court of Civil Judge, Senior Division, Ratnagiri.

- (iii) The Family Court at Bandra shall allow the Applicant and/or her Advocate to use the video conferencing facility available with the Court to defend the proceedings.
- (iv) The Applicant shall also be at liberty to affirm and verify her pleadings before the Family Court at Bandra and forward the same to the Court of Civil Judge, Senior Division, Ratnagiri, which pleadings shall be accepted by the Civil Judge, Senior Division, Ratnagiri.
- (v) The Court of Civil Judge, Senior Division, Ratnagiri shall not grant adjournments to either side unless absolutely necessary.
- (vi) The Court of Civil Judge, Senior Division, Ratnagiri shall endeavour to dispose of M.P. No. 32 of 2017 on or before 31st March, 2018.
- (vii) The Court of Civil Judge, Senior Division, Ratnagiri shall fix the dates of hearing in advance since the Applicant shall be appearing through video conferencing.
- (viii) This order shall not preclude the Applicant from personally remaining present before the Court of Civil Judge, Senior Division, Ratnagiri on any date fixed for hearing, if she so desires.
- (ix) All contentions of the parties are kept open.

The above Misc. Civil Application is accordingly disposed off.

(S.J.KATHAWALLA, J.)