

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION (ST) NO. 18273 OF 2017

Nilam Rajendra Dorakar ... Applicant

Versus

Rajendra Chandrakant Dorakar ... Respondent

Mr. S.P. Raje Pandhare for the Applicant.

Mr. Narayan Awate for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 18TH AUGUST, 2017

P.C.:

1. The above Misc. Civil Application is filed under Section 24 of the Code of Civil Procedure, 1908 by the Applicant wife seeking transfer of Hindu Marriage Petition No. 23 of 2016 filed by the Respondent husband from the Court of Civil Judge, Senior Division, Islampur, Taluka - Walava, District Sangali to the Family Court, Solapur, where Petition No. A-256 of 2016 filed by the Applicant seeking restitution of conjugal rights, is pending.

2. According to the Applicant, the marriage between her and the Respondent was solemnized on 25th January, 2015. Since disputes arose between the parties, the Applicant started residing with her parents on and from 18th February, 2015 at Solapur. The Applicant filed Petition bearing No. A-256 of 2016 before the Family Court, Solapur seeking restitution of conjugal rights, which is pending. The

Respondent has filed divorce proceedings bearing Hindu Marriage Petition No. 23 of 2016 before the Civil Judge, Senior Division, Islampur, Taluka - Walava, District Sangali.

3. The Applicant has submitted that Islampur, District-Sangli where the Respondent has filed the divorce proceedings, is 340 kms away from the place of residence of the Applicant and it takes seven hours to reach there. The Applicant is unemployed and is not having any independent source of income. She is surviving on the help received from her brother, who works as a labourer.

4. According to the Applicant, the Respondent is working as an Editor with Malhar T.V. Channel and is earning Rs.30,000/- per month. He has flats at Islampur and at Mumbai. The Respondent has not paid her a single rupee towards maintenance. In any event, the Respondent is required to attend the proceedings filed by her at Solapur seeking restitution of conjugal rights being No.A- 256 of 2016. It is therefore submitted on behalf of the Applicant that grave inconvenience and hardship will be caused to her if she is required to travel a distance of 680 kms (to and fro) to defend the proceedings filed by the Respondent before the Court of Civil Judge, Senior Division, Islampur, Taluka - Walava, District Sangali.

5. The Advocate for the Respondent has submitted that it is true that the divorce proceedings filed by the Respondent before the Court of Civil Judge, Senior Division, Islampur, Taluka - Walava, District Sangali and the Petition bearing A. No. 256 of 2016 seeking restitution of conjugal rights filed by the Applicant before the

Family Court, Solapur ought to be heard by same Court, however the Respondent will be put to grave inconvenience and hardship if Hindu Marriage Petition No. 23 of 2016 is transferred from the Court of Civil Judge, Senior Division, Islampur, Taluka - Walava, District Sangali to the Family Court, Solapur.

6. From the aforesaid facts, it is clear that the Applicant is jobless. Till date, she has not received a single rupee from the Respondent towards maintenance. The distance between her residence at Solapur and Islampur, where the Respondent has filed the Divorce proceedings is 680 kms (to and fro). To travel such a long distance, she will have to spend a substantial amount towards travel expenses as well as boarding and lodging expenses on every adjourned date of hearing. As against this, the Respondent is / will be attending the proceedings filed by the Applicant seeking restitution of conjugal rights before the Family Court at Solapur. However, keeping in mind that the Respondent too is working as an Editor with Malhar T.V. Channel and that some inconvenience will be caused to him if he is regularly required to travel from Islampur to Solapur, I pass the following order :

- i. The Hindu Marriage Petition No. 23 of 2016 filed by the Respondent before the Court of Civil Judge, Senior Division, Islampur, Taluka - Walava, District Sangali is transferred to the Family Court, Solapur and directed to be heard along with Petition bearing A. No. 256 of 2016 filed by the Applicant seeking restitution of conjugal rights before the Family Court, Solapur.
- ii. The learned Civil Judge, Senior Division, Islampur, Taluka - Walava,

District Sangali shall ensure that the papers and proceedings of the Hindu Marriage Petition No. 23 of 2016 are received by the learned Principal Judge, Family Court, Solapur on or before 23rd October, 2017.

iii. The Family Court, Solapur shall allow the Respondent to conduct the proceedings through Video Conferencing.

iv. The District Judge-1 and Additional Sessions Judge, Islampur, District Sangali shall allow the Respondent to use the Video Conferencing facilities.

v. The Respondent may appear before the Family Court, Solapur only when the Family Court at Solapur requires him to do so.

vi. The Respondent shall be at liberty to affirm, verify his pleadings / Affidavits before the District Judge-1 and Additional Sessions Judge, Islampur, District Sangali and forward the same to the Family Court, Solapur which the Family Court, Solapur shall accept.

vii. Since the proceedings shall be conducted through Video Conferencing, the Family Court, Solapur shall fix the hearing of the matter at the time specified in advance.

viii. The Family Court, Solapur shall endeavour to dispose off Hindu Marriage Petition No. 23 of 2016 along with Petition bearing A. No. 256 of 2016 within a period of six months from the date of this order.

ix. The Family Court, Solapur shall not grant any adjournment to the parties unless absolutely necessary. The parties too shall not seek any adjournment unless

absolutely necessary.

- x. All contentions of the parties are kept open.
- xi. The above Application is allowed in the aforesaid terms, with no order as to costs.

(S.J.KATHAWALLA, J.)