

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION (ST) NO.20247 OF 2017**

Mohini Manik Ghadge	...	Applicant
versus		
Manik Krishna Ghadge	...	Respondent

Mr. M.U.Rajput, for Applicant.
Mr. Kamlakant Paulekar i/by Mr. Caroline Collasso, for Respondent.

**CORAM: S.J. KATHAWALLA, J.
DATE: 22ND SEPTEMBER, 2017**

P.C.:

1. By the above Misc. Civil Application, the Applicant wife seeks transfer of the proceedings being Marriage Petition No. 107 of 2017 filed by the Respondent husband before the Court of Civil Judge, Senior Division, Margao, Goa seeking Decree of dissolution of marriage to the Family Court, Solapur.
2. The Applicant in the Petition has submitted that the marriage between her and the Respondent was solemnized on 10th July, 2016. Since disputes arose between the parties, she shifted to Solapur. The Respondent is working on P & O Cruises as a Chef-de-partie and has to work six months on ship and has three months vacation thereafter and presently he is in UK. Since the Respondent has filed the divorce Petition in Margao, Goa and since the distance between Solapur and Margao, Goa is about 435 kms. (one way), the Applicant being a lady is not in a position to travel to Margao, Goa on every date to attend the legal proceedings filed by the Respondent.

Though the Respondent earns a very handsome salary, he is not paying a single rupee to the Applicant towards maintenance. The Applicant has filed proceedings before the JMFC, Solapur under the Protection of Women from Domestic Violence Act, 2005, which is pending. The Applicant is presently staying at Pune and is completely dependent on her parents. She has two younger sisters and one younger brother. Therefore, apart from it being inconvenient for her to travel a distance of 870 Kms. (to and fro), she is also not in a financial position to engage the services of an Advocate at Margao, Goa and / or to bear the travel expenses of herself and a person accompanying her to Margao, Goa.

3. A purported Reply dated 8th September, 2017 is filed by the Advocate representing the Respondent. No cognizance of the said Reply is taken as the same is not affirmed before the Registry and / or before the Notary. However, the learned Advocate appearing for the Respondent on 8th September, 2017 submitted that though he has contended that the above Misc. Civil Application is not maintainable, the Respondent has no objection if the trial before the Court of Civil Judge, Senior Division, Margao, Goa is conducted through Video Conferencing, since in that event the Applicant may not come all the way to Margao, Goa from Solapur to defend the proceedings. At that point of time, it was pointed out by the learned Advocate appearing for the Applicant that even if the Applicant defends the Marriage Petition through Video Conferencing, she will need an Advocate to represent her at Margao,

Goa who is equipped to deal with Family Laws of Goa. At that point of time, the Advocate for the Respondent submitted that the Respondent shall pay the fees of the Lawyer, appointed by the Applicant before the Court at Margao, Goa if the fees quoted are reasonable. The matter was therefore adjourned to enable the Applicant to seek a quotation from an Advocate practicing in Margao, Goa who is willing to charge reasonable fees.

4. The Advocate for the Applicant has now handed over a very reasonable quotation obtained from Advocate Tarun V. Patel stating that he will charge only Rs.10,000/- for studying the case and Rs.1,000/- per hearing.

5. The Advocate for the Respondent has now tried to wriggle out of the offer made on the last occasion on the ground that the Applicant had on the last occasion made certain allegations against the Respondent and therefore though she may be allowed to conduct the proceedings through Video Conferencing, the Respondent should not be asked to pay the Advocate charges though the same are very reasonable.

6. The Respondent admittedly earns approximately Rs.80,000/- to Rs.1,00,000/- per month and he is not paying a single rupee to the Applicant, who is jobless, towards maintenance. The Advocate for the Respondent in the presence of the father of the Respondent had on 8th September, 2017 given an offer to this Court that the Court may allow the Applicant to defend the proceedings through Video Conferencing and also allow the Applicant to appoint an Advocate from Margao, Goa

to represent her in the proceedings, whose fees if reasonable shall be borne by the Respondent. The quotation submitted by the Applicant stating that Advocate Patel shall charge only Rs.10,000/- for studying the case and Rs.1,000/- per hearing is admittedly very reasonable. This offer was made by the Advocate for the Respondent despite very serious allegations made by the Applicant in the above Misc. Civil Application against the Respondent and his mother. However, since the Respondent now wants to wriggle out of the offer / submissions made before this Court on the last occasion, he has now come up with an excuse that the Respondent will not pay the fees of the Lawyer though reasonable since serious allegations were made by the Applicant against the Respondent on an earlier occasion. Such conduct on the part of the Respondent cannot be accepted. Hence, the following order :

- i. The Applicant is allowed to participate in the proceedings being Marriage Petition No.107 of 2017 filed by the Respondent before the Court of Civil Judge, Senior Division, Margao, Goa through Video Conferencing.
- ii. The personal presence of the Applicant shall not be insisted upon by the Court of Civil Judge, Senior Division, Margao, Goa unless absolutely necessary.
- iii. Advocate Tarun V Patel shall be allowed to represent the Applicant in Marriage Petition No. 107 of 2017 filed by the Respondent before the Court of Civil Judge, Senior Division, Margao, Goa.
- iv. The fees quoted by the Advocate Patel shall be paid by the Respondent.

- v. The Respondent shall make an on account payment of Rs.20,000/- directly towards the fees of the said Advocate Patel within a period of two weeks from the date of this order, which shall be appropriated by the Advocate Patel as follows :
- a. Rs.10,000/- towards case studying and pleadings.
- b. Rs.10,000/- for ten hearings @ Rs.1,000/- per hearing.
- vi. If there are more than ten hearings, the Respondent shall pay an additional amount of Rs. 1,000/- per hearing to Advocate Patel.
- vii. If the Court of Civil Judge, Senior Division, Margao, Goa requires the Applicant to remain present at any stage in the trial, the Respondent shall deposit an amount of Rs.3,000/- for each trip before the Court of Civil Judge, Senior Division, Margao, Goa towards travel expenses of the Applicant and the same shall be handed over by the Court of Civil Judge, Senior Division, Margao, Goa to the Applicant as and when she attends the Court.
- viii. The above Misc. Civil Application is accordingly disposed off.

(S.J.KATHAWALLA, J.)