

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION (ST) NO. 28610 OF 2016

Mrs. Vijaya Santosh Patil

... Applicant

Versus

Mr. Santosh Kesharlal Patil

... Respondent

Mr. C.V. Solaskar i/b. Mr. Rohan Barge for the Applicant.

Mr. Abdul Kadar Millwala for the Respondent.

Mrs. Vijaya Santosh Patil – Applicant, present in person.

Mr. Santosh Kesharlal Patil -Respondent, present in person.

CORAM : S.J. KATHAWALLA, J.

DATED : 13TH JULY, 2017

P.C.:

1. By the above Misc. Civil Application filed under Section 24 of the Code of Civil Procedure, 1908, the Applicant-wife seeks transfer of the Hindu Marriage Petition No. 1269 of 2015 filed by the Respondent-husband and pending before the Civil Judge, Senior Division, Kalyan, District- Thane to the Civil Judge, Senior Division, Shahada, District-Nandurbar.

2. The marriage between the Applicant and the Respondent was solemnized on 20th May, 2013. Since disputes arose between the parties, the Applicant started residing at Shahada, District-Nandurbar with her parents. The Applicant is a Lecturer at PSGVP Mandal Arts, Commerce and Science College, Shahada, Lonkheda, District-Nandurbar.

3. The Applicant has filed Hindu Marriage Petition No. 33 of 2016 in the Court of Civil Judge, Senior Division, Shahada for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955. The Respondent has filed Marriage Petition No. 1269 of 2015 before the Civil Judge, Senior Division, Kalyan, District-Thane for dissolution of marriage between the Applicant and the Respondent. Admittedly, the distance between Kalyan to Shahada is 700 kms (to and fro) and there is no direct train between the Kalyan and Shahada. The Applicant therefore submitted that it will not be convenient for her to travel from Shahada to Kalyan.

4. The Respondent too submitted that it will cause grave inconvenience and hardship to him if he has to travel from Kalyan to Shahada.

5. This Court therefore suggested that the parties may conduct the proceedings through video conferencing. The parties who are present in Court, have agreed to conduct the proceedings through Video Conferencing. Hence, the following Order is passed by consent :

i. Both the parties have agreed to conduct their respective proceedings through Video Conferencing.

ii. If the Court of Civil Judge, Senior Division, Kalyan, District-Thane is not equipped to conduct the matters through Video Conferencing, the Respondent shall provide a laptop along with Wi-Fi and other equipment to enable the Court to conduct the matter / trial through Video Conferencing.

iii. Both the parties have agreed that they shall not seek adjournments and shall

proceed with the matter on the given dates. The Court of Civil Judge, Senior Division, Kalyan, District – Thane, shall also not grant adjournments to the parties unless absolutely necessary.

iv. The above Misc. Civil Application is accordingly disposed off.

(S.J.KATHAWALLA, J.)