

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION No. 328 OF 2017

Mrs. Tejaswini Amol Patil	... Applicant
Vs.	
Amol Prabhakar Patil	... Respondent

Mr. Hemant Ghadigaonkar, Advocate for the applicant.
Mr. Santosh S. Musale, Advocate for the respondent.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 10th April, 2018.

P.C.:

This Application is moved by the applicant/wife under section 24 of the Code of Civil Procedure for transfer of Marriage Petition No. PA 1087 of 2017 filed by the respondent/husband under section 13(1)(ia) of the Hindu Marriage Act, 1956, which is pending before the Principal Judge, Family Court at Pune to the Family Court at Bandra, Mumbai.

2. The learned counsel for the applicant submitted that there will be physical and financial hardship if at all the matter is heard by video conferencing and therefore, it is opposed. The learned counsel submitted that the Marriage Petition No. PA 1087 of 2017 be transferred from Family Court, Pune to Family Court at Bandra. The learned counsel for the applicant files the addition affidavit dated 10th

April, 2018 on behalf of the applicant.

3. The learned counsel for the respondent submitted that the Marriage Petition No. PA 1087 of 2017 is filed at Pune because the marriage is performed at Pune and all the witnesses are staying at Pune, so that the matter can be heard expeditiously. He submitted that the divorce is sought on the ground of adultery. The learned counsel for the respondent files the affidavit in reply dated 16th January, 2018 of the respondent.

4. Considered the submissions. The affidavit in reply dated 16th January, 2018 filed by the respondent and the additional affidavit dated 10th April, 2018 filed by the applicant is taken on record. In view of the judgment of the Hon'ble Supreme Court in the case of **Santhini vs. Vijaya Venketesh, reported in (2018) 1 SCC 1**, a majority view held that the condition of video conferencing is not to be imposed in the transfer application filed by either of the parties.

5. In view of the ratio laid down by the Hon'ble Supreme Court in **Santhini** (*supra*) and the affidavit filed by the applicant, the option of video conferencing is not to be considered. The reason given by the

learned counsel for the respondent for filing Marriage Petition at Pune when both the parties are residing at Mumbai is not a good ground and hence, Marriage Petition No. PA 1087 of 2017 is transferred from Family Court at Pune to the Family Court at Bandra, Mumbai. Registrar, Family Court, Pune to transfer Marriage Petition No. PA 1087 of 2017 to Family Court at Bandra on or before 30th April, 2018.

6. Miscellaneous Civil Application is allowed and is disposed of accordingly.

(MRIDULA BHATKAR, J.)