

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

MISC. CIVIL APPLICATION (ST) NO. 94238 OF 2020

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Shweta Ravindra Chamle
V/s.

.. Applicant

Ravindra Uday Chamle

..Respondent

Mr. Pramod Patil a/w Shyamsundar Solanki, Mr. Kamal Mestry i/b
PNB and Associates for the Applicant.
Mr. Milan Topkar , for the Respondent.

CORAM : C.V. BHADANG, J.

DATE : 09th DECEMBER, 2020

P.C.

1. This is an application under Section 24 of the Code of Civil Procedure, 1908 ('CPC') for transfer of Marriage Petition No. 350 of 2020 from the file of the Joint Civil Judge, Senior Division at Pune to the Family Court at Latur.

2. The marriage between the parties was solemnized on 20.03.2016 at Latur and the parties are alleged to have last resided together at Pune. Presently, the applicant/wife is residing at her maternal house at Latur. The aforesaid petition has been filed by the respondent before the Civil Judge, Senior Division at Pune. The

applicant seeks transfer of the said petition to the Family Court at Latur.

3. I have heard the learned counsel for the parties.

4. It is submitted by the learned Counsel for the applicant that the marriage was solemnized at Latur and the maternal place of the applicant is at Latur. It is submitted that even the respondent and his family members are residing at Latur, where they are carrying on business. It is submitted that in order to cause inconvenience and harassment to the applicant, the respondent has filed the aforesaid marriage petition at Pune. It is submitted that it would be inconvenient for the applicant to travel to Pune.

5. The learned Counsel for the respondent has opposed the application. The learned Counsel has placed reliance on the decision of the Supreme Court in the case of *Krishna Veni Nagam v/s. Harish Nagam*¹ in order to submit that, with the available technology of video conferencing, the proceedings can be conveniently conducted before the competent Court at Pune. It is submitted that the parties

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having last resided at Pune, the Competent Court at Pune would have jurisdiction to entertain the petition.

6. I have considered the circumstances and the submissions made. At the outset, it is necessary to note that the decision in the case of Krishna Veni Nigam (supra) on which reliance is placed on behalf of the respondent has been partly overruled by a three Judge Bench of the Hon'ble Supreme Court in the case of ***Santhini v/s. Vijaya Venketesh***¹. In a majority judgment the Supreme Court has held that in a transfer petition video conferencing cannot be directed. Be that as it may. It is now well settled that normally in such cases, it is the convenience of the wife which takes precedence. Having regard to the fact that the marriage was solemnized at Latur, there is no legal hurdle in transfer of the petition before the Family Court at Latur, which would have jurisdiction. Apart from that the applicant / wife is residing at Latur. It is also pointed out that the family of the respondent is also staying at Latur and is carrying on business at Latur. Looking to the over all circumstances, the application deserves to be granted.

1 (2018)1 Supreme Court Cases 1

7. In the result, the application is allowed. Marriage petition No. 350 of 2020 is hereby withdrawn from the file of the learned Civil Judge, Senior Division at Pune and is transferred to the Family Court at Latur for disposal according to law.

8. In the circumstances, there shall be no order as to costs.

C.V. BHADANG, J.