

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

MISC. CIVIL APPLICATION NO. 363 OF 2019

Reshma Akash Lagad

..Applicant

V/s.

Akash Suresh Lagad

..Respondent

Ms. Rupali S. Akolkar, for the Applicant.

Mr. D. G. Gujral, for the Respondent.

**CORAM : C.V. BHADANG, J.
DATE : 5th JANUARY, 2021
(Through Video Conferencing)**

PC.

. This is an application under Section 24 of the Code of Civil Procedure ('CPC', for short), for transfer of M.J. Petition No.A-684/2018 from the file of the learned Family Court at Bandra, Mumbai to the Competent Court at Ashti, District Beed. The said petition has been filed by the respondent for dissolution of marriage. It is not disputed that both the parties are natives of Ashti, District Beed. The marriage was performed at Ashti, after which the parties had resided at Ashti.

2. The learned counsel for the applicant pointed out that only for a brief period the parties were staying at Chembur, Mumbai. It is pointed out that the respondent is having a travel business.

3. It transpires during the course of hearing that there are two other criminal cases initiated by the petitioner which are pending before the Competent Court at Ashti. First is a complaint under the The Protection of Women from Domestic Violence Act, 2005 (D. V. Act) and the other is a criminal case under Section 498-A of IPC, both of which are required to be attended by the respondent at Ashti. The learned counsel for the applicant pointed out that the applicant is not working and has no means to travel to Bandra Mumbai to attend the Family Court matter. It is pointed out that the distance between Beed to Mumbai is approximately 381 K.Ms.

4. The learned counsel for the respondent submitted that instead of transfer, the Family Court can be directed to conduct the proceedings via Video Conferencing in which the applicant can appear from Ashti.

5. I am afraid the contention cannot be accepted in view of the decision of the Supreme Court in the case of **Santhini Vs. Vijaya**

Venketesh (2018) 1 SCC 1 in which the Supreme Court has held that such a direction cannot be given in an application under Section 24 of the C.P.C. It is well settled that in such a case, normally, it is the convenience of the wife which gets precedence. In the present case, there is an additional circumstance namely there are two criminal cases which are pending at Ashti which the respondent is otherwise required to attend. The respondent is also a native from Ashti. The applicant is also having a maternal house at Ashti. Considering the over all circumstances, in my view, the application deserves to be allowed.

6. Hence, the following order.

ORDER

1. The application is allowed.

2. M.J. Petition No.A-684/2018 is hereby withdrawn from the file of the learned Family Court at Bandra, Mumbai and is transferred to the Court of learned Civil Judge, Senior Division at Beed, for disposal according to law.

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

C.V. BHADANG, J.