IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION NO. 343 OF 2020
Monika Ritesh Pidiyar
Vs.
Ritesh Bhikamchand Pidiyar

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's Orders.	Court's or Judge's orders.

Shri Sumit Gandhe, Advocate for applicant.
Shri Anil Dhawas, Advocate for non-applicant.

CORAM : PUSHPA V. GANEDIWALA, J.
DATE : 14th JULY, 2021.

Heard.

(2) This is an application under Section 24 of the Code Civil Procedure for transfer of proceedings bearing Hindu Marriage Petition No.535 of 2020 pending on the file of learned Civil Judge Senior Division, Pune to the Family Court, Amravati.

(3) Learned counsel for the applicant stated that the marriage between the parties was solemnized at Amravati and out of the said wedlock they have one daughter by name Palak, who is aged about four years. It is further stated that due to marital discord between the parties since 29.04.2020 they are residing separately. The applicant along with her daughter are presently residing at her parents house at Amravati. The applicant is facing hardship to travel such a

long distance, which is more than 600 Kms to Pune along with her small daughter to attend the aforesaid proceedings, which is filed by the non-applicant for divorce. Therefore, she prays for transfer of proceedings at Amravati. The applicant also stated that she has also filed proceedings under the provisions of Protection of Women from Domestic Violence Act, 2005 (for short the D.V. Act, 2005) before learned Chief Judicial Magistrate, Amravati.

(4) The non-applicant in his reply while opposing the application submits that the applicant can attend the proceedings before the Court at Pune through video conferencing and it is not necessary for her to attend each and every date. The non-applicant has also shown his inability to attend the Court at Amravati due to his employment at Pune and he has to look after his old aged parents.

(5) The Court has considered the submissions made on behalf of both the parties. At the outset it is well settled preposition of law by catena of judgments of Hon'ble Supreme Court in the cases of Mona Aresh Goel vs Aresh Satya Goel reported in AIR 2000 SC 3512, Lalita A. Ranga vs Ajay Champalal Ranga reported in AIR 2000 SC 3406 and Renu Vs. Anil Arora reported in (2000) 10 SCC 355 that hardship which is being faced by the wife has to be considered.

(6) In the instance case, undisputedly the distance between two cities is more than 600 Kms and the applicant is residing at the mercy of her parents at Amravati with her small daughter. Furthermore, it would be difficult for the Trial Court to conduct divorce proceedings through video conferencing, as suggested by the learned counsel for the non-applicant/husband. Even the non-applicant would be required to attend the proceedings at Amravati which is filed by the applicant/wife under the provisions of the D.V. Act, 2005.

(7) Considering aforesaid facts, this application is allowed. The proceedings bearing Hindu Marriage Petition No.535 of 2020 is withdrawn from the file of learned Civil Judge Senior Division, Pune and transferred to the file of learned Family Court, Amravati for its decision in accordance with law.

(8) The application stands disposed of.

JUDGE

Wagh