

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

MISC. CIVIL APPLICATION NO. 40 OF 2020

Mrs. Smita Vivek Barkhapalle
@ Smita Sonyabapu Chame

...Applicant

Versus

Vivek Ramakant Barkhapalle
@ Vivek Ramkant Bhurkapalle

...Respondent

.....

Mr. Dinesh Manwatkar h/f Mr. Sachin S. Randive, Advocate for the
applicant
Mr. S. G. Kawade, Advocate for respondent-sole

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CORAM : BHARATI H. DANGRE, J.

DATE : JANUARY 17TH, 2022

PER COURT : -

1. Heard learned Counsel for the applicant and the learned
Counsel for the respondent.

2. The applicant/wife seeks transfer of the Petition No.
A-28/2018 filed by the respondent-husband at Family Court at Latur
under Sections 13(1) (v) and 13(1) (ia) under the Hindu Marriage
Act, 1955, seeking dissolution of marriage.

3. The applicant/wife had also filed proceedings under the
Domestic Violence Act before the Magistrate at Latur but she has

withdrawn the proceedings on 17.01.2020 with liberty to file the proceedings at Pune. The justification offered is, the applicant was initially residing at Latur but now she has transferred to Pune.

4. The learned Counsel for the respondent-husband has placed on record the Roznama of HMP No. A-28/2018 and it can be seen that from 17.08.2019 till 11.11.2020, there is no progress. Further, from 01.01.2021 i.e. for one year, since there was a stay granted by this Court, the proceedings have not progressed.

5. The Roznama reveals that the cross of the petitioner was scheduled in the year 2019 and thereafter the proceedings are standing at that stage.

6. The proceedings being of the year 2018, it would not be in the interest of the parties to transfer them as per the desire of the applicant/wife in the court at Pune. However, the inconvenience of the applicant/wife can be minimized by directing the learned Family Court at Latur to exempt her appearance unless and until it is extremely necessary and to record her evidence through video conferencing. This will ensure two things, expeditious disposal of the proceedings and also inconvenience cause to the parties.

7. In the wake of the aforesaid, the application is declined with a direction to the learned Family Court at Latur to culminate the proceedings in Petition No. A-28/2018 by video conferencing and every endeavour to be made to conclude the proceedings within six months from today. Needless to state that the stay granted by this Court vide order dated 07.02.2020, stands vacated and the Family Court at Latur to act as per the aforesaid directions.

8. Misc. Civil Application is accordingly disposed off.

[BHARATI H. DANGRE]
JUDGE