



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 87 OF 2023

SMITA DEVEN PRABHUDESAI

)...APPLICANT

V/s.

DEVEN RAMCHANDRA PRABHUDESAI

)...RESPONDENT

Ms. Rukmini Khairnar a/w Mr. Pratik Rahade, Advocate for the Applicant.

Mr. Monish K. Vig, Advocate for the Respondent.

CORAM : ABHAY AHUJA, J.
DATE : 3rd NOVEMBER 2023

PC. :

1. This is an application seeking transfer of restitution proceedings filed by the Respondent-husband before the Family Court at Nasik to the Court of Civil Judge, Senior Division at Ratnagiri, where the Applicant-wife has filed a divorce petition.

2. Mr. Vig, learned Counsel for the Respondent submits that he has instructions to state that the Respondent has no objection to the transfer, except that on dates when the Respondent's presence is not required, he may be permitted to appear through video conferencing.

3. Ms. Khairnar, learned Counsel for the Applicant has no objection if such an order is passed.
4. Having heard the learned Counsel and having perused the application, this Court is of the view that the application be allowed in terms of prayer clause (a).
5. The restitution proceedings being HMP No.A-648/2022 be transferred to the Court of Civil Judge, Senior Division at Ratnagiri, where the Marriage Petition bearing No. 176 of 2021, filed by the wife is pending.
6. It is made clear that the Respondent would be entitled to attend the proceedings before the Court of Civil Judge, Senior Division at Ratnagiri by video conferencing on dates when his physical presence is not required, upon an application made to the Court at Ratnagiri in that behalf.
7. Application stands disposed of as above.

(ABHAY AHUJA, J.)