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1002-mca-172-24

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1002 MISC.CIVIL APPLICATION NO. 172 OF 2024

DR. SURYA W/O VIPUL KALE

VERSUS

DR. VIPUL S/O SHANTILAL KALE

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Advocate for Applicant : Mr. S. S. Gangakhedkar

Advocate for Respondent : Mr. A. S. Jadhav

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CORAM : R.M. JOSHI, J.

DATE : 19.12.2024

PER COURT :

1. The application is for transfer of Marriage Petition No. A-886/2022 pending before the learned Family Court, Nashik to the Family Court at Nanded.

2. It is the case of the applicant that she is a Medical Practitioner and has a responsibility of 3 years old child /daughter and hence it is not possible to travel a distance of 525 km. from Nanded to Nashik.

3. The respondent has shown his willingness to bear the expenses of the travel of the applicant and has occurred to pay Rs. 5,000/- per physical appearance to the applicant and learned counsel for the respondent has made statement to that effect on 13.11.2024, learned

counsel for the applicant, on instructions, refused to accept the said proposal. Learned counsel for the applicant has relied upon the judgment of Hon'ble Supreme Court in the cases of (1) **Ankita Sharma Vs. Vishal Ashokbhai Chaturvedi**, AIROnline 2022 SC 1081 , (2) **N. C. V Aishwarya Vs. A. S. Saravana Karthik Sha**, AIROnline 2022 SC 1268, (3) **Shilpa Vs. Nagaraju Kunchala**, AIROnline 2021 SC 1268, (4) **Vandana Sharma Vs. Rakesh Kumar Sharma**, AIROnline 2008 SC 95 and (5) **Rajani Kishor Pardeshi Vs. Kishor Babulal Pradeshi** AIROnline 2005 SC 140, to support his submission that in connivance of applicant needs to be considered. Learned counsel for the Respondent opposed application.

5. Applicant is a lady. She has responsibility of the child who is aged about 3 years old. In such circumstances, though the respondent has shown his bonafides, incurred to pay Rs. 5,000/- per physical appearance with the applicant before the Court at Nashik, but considering the inconvenience likely to cause her, this application deserves to be allowed and the same stands allowed in terms of prayer clause (B).

6. Learned counsel for the respondent submits that the respondent is also Medical Practitioner and as such he may be allowed to appear

through Video Conference before Family Court, Nanded. Unless there is a specific direction of the Family Court for personal appearance, Respondent is permitted to appear through Video Conference before the said Court.

(R.M. JOSHI, J.)

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