

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 56 OF 2024**

Dipti Vivekanand Bijgarni ... Applicant
versus
Vivekanand Vasant Bijgarani Respondent

Mr. Amol L. Dhumal i/b. Mr. Vijay Kokitkar, Advocate for the Applicant.

CORAM : ARUN R. PEDNEKER, J.

DATE : 22nd JULY, 2024.

P.C. :

1. Heard the learned counsel appearing for the applicant.
2. By an order dated 24th June 2024, the matter was adjourned so as to enable the respondent to appear in the matter, however till date, none has entered appearance on behalf of the respondent.
3. The learned counsel appearing for the applicant-wife submits that the applicant married the respondent on 17th May 2009 and out of the marriage, they have two daughters aged 14 years and 11 years. Both the minor daughters are staying with the applicant-wife in Mumbai. The applicant is a housewife and has no source of income. Whereas the respondent-husband has a shop running business of photography. The learned counsel submits that the applicant-wife has to maintain her two daughters. He submits that the applicant-wife has also filed

an application for restitution of conjugal rights on 16th October 2023 in the Family Court at Bandra. Thereafter, the respondent-husband has filed divorce proceedings before the Family Court at Pune. Learned counsel submits that it would be extremely difficult for the applicant-wife to defend the divorce proceedings before the Family Court at Pune. He further submits that divorce proceedings be transferred and both the proceedings be conducted in the Family Court at Bandra.

4. Considering the submissions made, which are not contested by the respondent-husband, more particularly when the applicant-wife has custody of two daughters and she is staying in Mumbai and has no source of maintenance and she is dependent on her parents, the application is allowed in terms of prayer clause (a) as under :

(a) That this Hon'ble Court be please to pass an order directing the Learned Family Court, Pune to transfer the said proceedings i.e. Matrimonial Petition No.A-2143 of 2023 to the Court of Family Court at Bandra, Mumbai and the parties be directed to attend the said proceedings before the Family Court at Bandra, Mumbai.

5. On such transfer, it is directed that the applicant-wife would not seek adjournments in the matter without informing the respondent-husband well in advance so to avoid inconvenience to the husband to travel to Mumbai, so also, the Family Court at Bandra, Mumbai, is directed

to permit the respondent-husband to appear through video conferencing wherever possible.

6. With the above observations, the application is disposed of.

(ARUN R. PEDNEKER, J.)