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4-MCA-223-2024

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

4 MISC.CIVIL APPLICATION NO. 223 OF 2024

Mrs. Shruti W/o. Yogesh Solanke @ Shruti Santoshrao Deshmukh

VERSUS

Yogesh S/o Amrutrao Solanke

AND

5 MISC.CIVIL APPLICATION NO. 224 OF 2024

Mrs. Shruti W/o Yogesh Solanke @ Shruti Santoshrao Deshmukh

VERSUS

Yogesh S/o Amrutrao Solanke

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Mr. Vishal A. Bagal, Advocate for Applicant.

Mr. Sudarshan J. Salunke, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 1st APRIL 2025

PC :-

1. Heard the parties.
2. Both the applications are between the same parties filed by the applicant-wife against respondent-husband seeking transfer of the proceeding pending before the learned Civil Judge, Senior Division, Majalgaon to the learned Civil Judge, Senior Division, Ambad Dist. Jalna.

3. It is stated that, the distance between two places is around 60 to 70 k.m. The wife being a lady finds it difficult to attend the court by travelling such a distance. There is no one to accompany her while travelling such a distance.

4. Learned Advocate Mr. Bagal appearing for Applicant-wife vehemently argued that now it is well settled that the proceeding should be transferred where the wife is residing. Looking at the convenience of the wife, he submits that, there is also threats to the applicant-wife by inviting the attention of this Court in paragraph No.6 of the order passed by the learned JMFC, Majalgaon on 12th February 2024. This Court has gone through the same, it is seen that the applicant is allowed to appear through Video Conferencing as she has expressed apprehension at the hands of respondent-husband. He thus prays for allowing the application.

5. Learned Advocate Mr. Salunke vehemently opposed the application. He submits that the distance between two places is hardly 60 to 70 k.m. The respondent-husband is ready to bear the travelling expenses to the applicant-wife whenever she appears. Mr. Salunke relied

upon the judgment in the case of ***Krishna Veni Nagam Vs. Harish Nagam***¹. The Hon'ble Apex Court in the said judgment has observed thus:

“14. One cannot ignore the problem faced by a husband if proceedings are transferred on account of genuine difficulties faced by the wife. The husband may find it difficult to contest proceedings at a place which is convenient to the wife. Thus, transfer is not always a solution acceptable to both the parties. It may be appropriate that available technology of video conferencing is used where both the parties have equal difficulty and there is no place which is convenient to both the parties. We understand that in every district in the country video conferencing is now available. In any case, wherever such facility is available, it ought to be fully utilized and all the High Courts ought to issue appropriate administrative instructions to regulate the use of video conferencing for certain category of cases. Matrimonial cases where one of the parties resides outside court's jurisdiction is one of such categories. Wherever one or both the parties make a request for use of video conference, proceedings may be conducted on video conferencing, obviating the needs of the party to appear in person. In several cases, this Court has directed recording of evidence by video conferencing.”

6. He thus submits that in the present case, the transfer proceeding itself is not maintainable. He submits that the husband is ready to bear the travelling expenses and opposed the application.

7. Having heard the parties, this Court finds that the distance between two places is hardly 60 to 70 k.m. No doubt now it is well

¹ AIR 2017 SC 1345

settled that the convenience of the wife should be seen while considering the application for transfer. However, in the present case, this Court finds that the distance is not much which would make her difficult to travel to such a place. Sufficient care can be taken of her interest. Hence, the following order:

8. Both the applications stand dismissed.
9. The husband shall deposit Rs.1,000/- towards travelling expenses at least two days prior to the date.
10. Whenever possible the trial court shall allow the applicant wife to appear through Video Conferencing.
11. Considering the nature of the proceeding, the trial court shall decide both the proceeding as early as possible and preferably within one year from the date of transfer of the proceeding.
12. With this, application stands disposed off.

[KISHORE C. SANT, J.]