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41-MCA-305-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

41 MISC.CIVIL APPLICATION NO. 305 OF 2024

Mrs. Sunita @ Perna Dhiraj Kale

VERSUS

Dhiraj Dinkar Kale

...

Mr. Ramrao G. Nirmal, Advocate for Applicant.

Ms. Pooja S. Ingle h/f Mr. S. J. Salunke, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 16th SEPTEMBER 2025.

PC :-

1. Heard the parties.
2. This application is filed by the applicant-wife seeking transfer of Petition A No.264/2024, pending before the learned Principal Judge, Family Court, Akola, to the Court of learned Judge, Family Court, Parbhani.
3. Learned Advocate for the applicant submits that the applicant-wife presently resides at Parbhani with her parents. There is a daughter of two years of age, who stays with the wife. She therefore finds it difficult

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to travel to attend the Court proceeding at Akola as distance between two places is about 200 k.m. He prays for transfer of the proceeding from the Court of learned Principal Judge, Family Court, Akola, to the Court of learned Judge, Family Court, Parbhani.

4. The learned Advocate for the Respondent vehemently opposed the application. She submits that even the respondent-husband is suffering from medical issues. She produced on record a copy of medical report indicating that the husband is also advised not to travel due to positional vertigo caused by severe neck stiffness. She has also produced on record a report of radiology wherein it is shown that there is mild posterior disc from C3-C4 to C5-C6 level.

5. In support of her submission, she also relied upon a judgment of the Apex Court in the case of *Krishna Veni Nagam Vs. Harish Nagam*¹ wherein the Hon'ble Apex Court held that, at the time, it may be difficult for both the parties to travel to attend the proceedings, in such cases, it is desirable for the parties be made available a Video Conferencing facility. In the said judgment, the Hon'ble Apex Court in the said

¹ AIR 2017 SC 1345

judgment also directed that the following safeguards may be considered:

(i) availability of video conferencing facility; (ii) Availability of legal aid service; (iii) Deposit of cost for travel, lodging and boarding in terms of Order XXV CPC; and (iv) E-mail address/phone number, if any, at which litigant from out station may communicate.

6. In the present case, this Court finds that there is video conferencing facility available at the Family Court, Parbhani, where the respondent-husband can appear through Video Conferencing from any place and in such proceeding to the Court at Parbhani. Sufficient care needs to be taken to protect the interests of respondent-husband. Hence, the following order:

ORDER

(I) Misc. Civil Application stands allowed in terms of prayer Clause (B).

(II) After transfer of the proceeding, the learned Judge shall try to dispose of the same as early as possible and preferably within (18) eighteen months from today.

(III) The applicant-wife shall not seek any unnecessary adjournments. If such adjournments are sought, the Court may pass appropriate order compensating the husband, if he personally attends the Court.

(IV) If the husband makes a prayer to appear through video conferencing, such prayer be considered liberally by the Trial Court.

(V) With this, Misc. Civil Application stands disposed of.

[KISHORE C. SANT, J.]