



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**MISC. CIVIL APPLICATION NO.280 OF 2025**

(Amrtia w/o Ameya Lele Vs. Ameya s/o Vinay Lele)

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*Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.*

*Court's or Judge's orders.*

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Mr. N. A. Vyawahare, Advocate for Applicant.  
Mr. P. V. Vaidya, Advocate for Non-Applicant.

**CORAM: R. M. JOSHI, J.**

**DATE: 19<sup>th</sup> JUNE, 2025.**

1. Heard counsels both sides at length.
  
2. The applicant is seeking transfer of Hindu Marriage Petition No.596/2024 filed by non-applicant – husband before the learned Civil Judge, Senior Division, Wardha to the Family Court, Akola. It is the case of the applicant – wife that she has no source of income and is solely dependent on her old aged parents. It is also claimed that distance between Akola to Wardha is over 200 km. and on account of there being no one else to accompany her, it would be inconvenient for her to attend the said proceeding at Wardha.
  
3. Non-Applicant filed reply opposing the transfer of the proceeding. Except for denial there is no specific case cause to be made out by the non-applicant for rejection of the application.

4. The learned Counsel for the applicant submits that the circumstances in which the application has been filed, which requires to be allowed in order to avoid the inconvenience caused to the wife for attending the said proceeding at the place which is over 200 km. from her place of residence. He also submitted that since the applicant is not financially independent, prejudice shall cause to her.

5. Learned Counsel for the non-applicant submits that in view of the judgment of the Hon'ble Supreme Court in the case of ***Krishna Veni Nagam v. Harish Nagam 2017 DGLS (SC) 284***, since the video conferencing is available in the Court at Wardha, there is no need to issue any direction of transfer of the proceedings filed by non-applicant. He also seeks assistance of the judgment of this Court in ***Miscellaneous Civil Application No.694 of 2024*** in order to canvass that in similar set of facts, this Court has refused to transfer the proceeding from one place to another and called upon the parties to attend the proceeding by video conferencing. Thus it is his contention that in view of the above position of law application deserves no consideration.

6. At the outset, it is to be recorded that the judgment of the Hon'ble Supreme Court in the case of ***Krishna Veni Nagam v. Harish Nagam*** could not be constructed as a complete bar for the transfer of any proceeding and that in all cases direction could be given to the parties to appear through video conferencing. If such

view is adopted then in view of the fact in all courts in State of Maharashtra Video Conferencing facility is available, no application for transfer could be entertained. Each case therefore, would have to be decided considering facts and circumstances involves therein. As far as judgment of the Bombay High Court cited supra is concerned, needless to say that the judgment has been passed after taking into consideration over all facts of the case and one of the important fact which appears from the judgment is that the non-applicant had filed application under Section 163 of the Cr.P.C. before the Magistrate apprehending threat to his life. Since Court would take over all facts and circumstances of the case before passing of order, it can be said that the said fact of threats received by husband could have led passing of said order. Moreover, even in the said judgment it is not held that once video conference facility is available in the Court, application for transfer cannot be allowed. In respectful view of this Court, application cannot be rejected in view of these judgments to say that the said was not weighed on the mind of this Court while passing the order in question.

7. Needless to emphasis that the inconvenience of the wife should be considered over the inconvenience if any caused to the husband in case of transfer of matrimonial proceedings. Here is the case the applicant is unemployed and no source of income. Applicant claims dependency upon old aged parents. On the other hand, non-applicant has not shown any impediment likely to cause to her to attend the

proceedings at Akola. The non-applicant in his reply also does not even come up with a case that he is ready to bear with the expenses of transportation for the applicant. Thus this is not the case wherein those parties are on equal footings in order to apply the principles that one party may appear through video conferencing. In fact, in this case the option of applicant's appearance on the video conferencing would be more justified for the husband than wife.

8. In view of above application stands allowed in terms of prayer clause (1).

**(R. M. JOSHI, J.)**

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