



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

MISC. CIVIL APPLICATION NO.439 OF 2024

Sau. Asavari Kedar Kubde Vs. Kedar Satish Kubade

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

Court's or Judge's orders.

Ms Vedika Thakare, Adv. h/f Shri V.R. Deshpande, Advocate for applicant.
Shri A.S. Thotange, Advocate for non-applicant.

CORAM : M.W. CHANDWANI, J.

DATE : 31.07.2025.

1. By the present application, the applicant-wife is seeking transfer of divorce petition bearing Marriage Petition No.16/2024 filed by the non-applicant/husband before the Civil Judge Senior Division, Ratnagiri to Family Court, Nagpur.

2. The contention is that, the applicant is working in Public Works Department at Nagpur on a post that imposes enormous responsibilities. The distance between Nagpur to Ratnagiri is more than 900 kms and there is no direct train to Ratnagiri from Nagpur. The only mode of transport available is bus which involves overnight journey to reach Ratnagiri. Therefore, it is submitted that it will be very inconvenient to the applicant-wife to attend the proceedings at Ratnagiri.

3. The application is opposed on the ground that nowadays, there are various facilities available such as video conferencing (VC) and the applicant can attend the proceedings through VC. For this purpose he seeks to rely upon the decision in the case of *Delma Coelho Vs. Edmond Fernandes*¹.

¹ (2023) 18 SCC 447

4. From the record, it appears that the applicant is working in Public Works Department on a post that imposes enormous responsibilities. Whereas, it has been claimed that the non-applicant is jobless at present and is searching for a job. Considering this aspect and the fact that the applicant will have to travel from Nagpur to Ratnagiri where direct means of transportation are not available to commute from Nagpur to Ratnagiri and vice versa. More particularly, when the applicant is a female government servant who will require a leave of three days to commute from Nagpur to Ratnagiri including return journey. Therefore, it will be inconvenient for the applicant to attend the proceedings at Ratnagiri. So far as the case relied upon by the learned counsel for the non-applicant is concerned, in that case the transfer petition was not rejected solely on the ground of availability of VC facility but mainly on other grounds. Therefore, the case relied upon by the non-applicant will not be helpful to him.

5. Consequently, the application is allowed.

6. Marriage Petition No.16/2024 pending before Civil Judge Senior Division, Ratnagiri is hereby directed to be transferred to Family Court, Nagpur.

7. The application stands disposed of.

JUDGE

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