



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION (TR) NO. 608 OF 2024

Mrs. Sujata w/o Vidhyadhar Kelkar Vs Mr. Vidhyadhar s/o Pandurang Kelkar

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.R. Bhongade, counsel for applicant.

Mr. Bhushan Dafle, counsel for non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/02/2025.

1. By invoking the jurisdiction of this Court under Section 24 of the Code of Civil Procedure, 1908, the applicant is seeking transfer of the matrimonial proceedings bearing Petition No. D-8/2024 filed by the non-applicant/husband in the Family Court, Nanded, to the Family Court No. 2, Nagpur.

2. The applicant and non-applicant both are doctors by profession. Their marriage was performed on 28/12/2003. After marriage, there was discord between them, and therefore, the applicant started residing along with her parents at Nagpur. They have one son and one daughter from the said wedlock. Now, the applicant has filed a matrimonial proceeding for dissolution of marriage bearing No. A-585/2024 pending in the Family Court Nagpur, whereas the non-applicant has filed a petition No. D-8/2024 for seeking custody of the minor daughter.

3. Learned counsel for the applicant submitted that the distance between Nagpur and Nanded is more than 400 km. The applicant is a medical professional, and it is difficult to maintain her daughter and at the same time to attend the proceeding at Nanded, and therefore the matter, which is pending at Nanded Family Court bearing No. D-8/2024 for the custody of the minor daughter be withdrawn and transferred to the Family Court No.2 at Nagpur. The other proceeding is already pending in Family Court No. 2 at Nagpur. If both the proceedings are decided by one Court, there would not be a multiplication of the proceedings.

4. Learned counsel for the non-applicant strongly opposed the said application and submitted that the non-applicant is also a medical practitioner; it is also difficult for him to attend the proceeding, as he is maintaining the son, and he has to look after his son also. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the documents, it reveals that the applicant and non-applicant both are the medical professionals. The non-applicant is maintaining his son, whereas the applicant is maintaining her daughter. Comparatively, the son, who is residing with the non-applicant, is about 17 years old, whereas the daughter, who is residing with the applicant, is 9 years old. So, the nine years old daughter requires more attention. Moreover, the other application, A-585/2024, is pending in

the Family Court No. 2, Nagpur. Therefore, if both the proceedings are decided by one Court, it would be convenient for both parties, and there would not be a multiplication of the proceedings.

6. It is well settled that while considering the transfer applications in the matrimonial proceedings, the convenience of the wife is to be looked into. At the same time, considering the non-applicant is a medical professional, his convenience also requires to be looked into. In view of that, the non-applicant can seek support from the technology, and he can appear through the video conferencing also, before the Family Court, Nagpur. The Family Court, Nagpur, can consider his request if it is made on his behalf for appearance through video conferencing. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The application is allowed.
- b] The proceeding bearing No. D-8/2024 pending before the Family Court, Nanded, is hereby withdrawn and transferred to the Family Court No. 2, Nagpur, for disposal.
- c] The parties shall appear before the Family Court No. 2, Nagpur, on **28/02/2025**.

d] The Family Court, No. 2, Nagpur, shall consider the request for appearance through video conferencing if it is made by the non-applicant.

6. The Misc. Civil Application (Tr) No. 608 of 2024 is **disposed of**.

[URMILA JOSHI-PHALKE, J.]