



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

MCA No.955/2024
Mrs. Pooja V Himanshu

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

Court's or Judge's orders

Mr. S.S. Chourasia, Adv for applicant.
Mr. S.S. Bhalerao, Adv for non-applicant.

CORAM : R.M. Joshi, J.
DATE : 20-06-2025.

This application is filed by the wife for seeking transfer of Marriage Petition No.492/2024 filed before the Civil Judge, Senior Division, Pune to Family Court Nagpur.

2. Applicant claims that she is suffering from kidney decease and is required to undergo dialysis. According to her health it is not possible to her to attend the proceedings filed by the husband at Pune. She further claims that proceeding filed by her for restitution of conjugal rights is pending before Family Court at Nagpur.

3. Non-applicant has opposed the said request by filing say.

4. Heard learned Counsel for both sides. Learned Counsel for the applicant submits that in the peculiar circumstances wherein applicant is suffering kidney ailment, it would not be possible for her to attend the proceedings at Pune and inconvenience will cause to her.

5. Learned Counsel for the applicant vehemently opposed the application by pointing out that the applicant need not appear personally but may appear through Video Conferencing.

6. No doubt, the Video Conferencing facility is an alternative mode for the parties to cause appearance. However in any case it cannot be said that merely because the Video conferencing facility is available in the Court all applications for transfer should be dismissed.

7. Needless to say that the inconvenience of the wife needs to be considered over the inconvenience, if any, caused to the husband in cases of the matrimonial proceedings. Apart from this general rule, in this case undisputedly the application is suffering from kidney disease and is undergoing dialysis. In such circumstances, it will be unjust to call upon her to attend the proceedings filed by the husband at Pune even on video conferencing. Needless to say that it would be extremely difficult even to give instructions to the lawyer for his appearance in Family Court Pune, considering physical status of application. On the other hand, non-applicant may avail video conferencing facility if he so desire. Thus, no prejudice will cause to the respondent, if the application is allowed. Hence, application stands allowed in terms of prayer clause-(a).

8. Family Court is directed to take up the proceedings together on the same date.

(R.M. Joshi, J.)

Deshmukh