

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 93 OF 2025

Kajal Akshay Kharat alias
Kajal Laxman Shingade

..Applicant

Versus

Akshay Balu Kharat

..Respondent

Ms. Vaishnavi Nagargoje i/b. Mr. Bhushan Walimbe, Advocates, for the
Applicant

CORAM : RAJESH S. PATIL, J.

DATE : 14.10.2025

P. C.

1. Office remarks show that the Respondent has been duly served. Even on the last date, none appeared for the Respondent when the matter was called out. Notice for final disposal was issued to the Respondent. However, the Respondent has not bothered to put appearance on his behalf. Therefore, I proceed to hear the Applicant on merits.

2. This is a transfer Application filed by the Applicant, who is the wife of the Respondent seeking transfer of the Marriage Petition No. A/2076/2024 filed by the Respondent – husband before the learned CJSD, Pune to the learned CJSD, Oros, Sindhudurg.

3. It is the case of the Applicant that after marital discord, she is

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staying with her parents at her native place at Oros. She is homemaker and not working for gain. Her mother is handicapped and her father has hearing problem. The distance between Oros and Pune is around 410 Kms. It will take at least 8-9 hours to reach Pune from Oros. Except her parents, there is no male member in the family who can accompany her to attend the Court proceedings. However, it is difficult to travel from Oros to Pune and back in one day. The Respondent – husband is working as a Mechanical Engineer with the KPIT Technologies Limited, Pune and earns Rs. 75,000/- per month. Therefore, insofar as the Respondent is concerned, it will be possible for him to attend the Court proceeding from Pune to Oros.

4. The Supreme Court in the case of ***N. C. V. Aishwarya vs. A. S. Sarvana Karthik Sha***, reported in ***2022 SCC OnLine SC 1199*** has held that while considering transfer proceedings, convenience of the wife has to be taken into consideration. Paragraph 9 of the said Judgment reads as under :-

“9. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under

whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer."

(emphasis supplied)

5. Considering the law laid down by the Supreme Court in the case of ***N. C. V. Aishwarya (Supra)***, the facts of the present case where the Applicant is staying with her parents who have physical ailments due to their old age and the one-way distance between Pune and Oros is 410 Km, the Application deserves to be allowed.
6. The Miscellaneous Civil Application is allowed in terms of **prayer clause (a)**.
7. The learned Judge, Family Court, Pune is hereby directed to transfer the proceedings, being Marriage Petition No. A/2076/2024 to the learned CJSD, Oros, Sindhudurg within a period of four weeks from today. The hearing of the same is expedited.
8. The Respondent is permitted to attend the Court proceedings through VC mode and whenever the learned Judge is of the opinion that the Respondent should attend the Court physically, he will have to attend the Court physically.

(RAJESH S. PATIL, J.)