

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 357 OF 2025

VIJAY KEKAN

..... APPLICANT

VERSUS

RUPALI KEKAN

..... RESPONDENT

Adv. Prosper D'souza (appointed through Legal Aid) for the Applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 14 NOVEMBER, 2025

P.C. :-

1) This transfer petition is filed by the applicant, husband of the respondent, seeking transfer of the conjugal right petition filed by him before the Family Court at Nashik, to be transferred to the Family Court at Thane or to any of the Court at Nashik.

2) This matter was on board on 7 November, 2025, when I heard Mr.D'souza and after hearing hearing him, I had shown my disinclination to entertain the petition filed by the applicant. However, only at the request made by Mr.D'souza, the matter is placed today.

3) Even today, Mr.D'souza on instructions from his client

who is present in Court insisted to re-argue the matter on merits.

4) Since the applicant want to transfer his own proceedings filed before the Family Court at Nashik to the Family Court at Thane. I had enquired with Mr.D'souza on what basis, he want to transfer the proceedings from Nashik where the applicant is admittedly staying at Nashik. So also, the respondent (wife) is also residing at Nashik. Mr.D'souza on instructions from his client submitted that the applicant does not have a trust, who is hearing the conjugal right proceedings of the applicant neither he has trust on his advocate appearing in the Family Court at Nashik, nor he has trust on Judge, so also he does not have trust on the Court staff of the Nashik Family Court.

5) As per Mr.D'souza, the said conjugal right proceedings has reached to the stage of evidence. So also, it is submission of Mr.D'souza that the learned Judge who was hearing the matter of the applicant at Family Court, Nashik has now been transferred and a new Judge has now taken over the charge in his place. However, Mr.D'souza on instructions still insist that the matter should be transferred from the Nashik Family Court as the applicant does not have trust on the Court staff of the Family Court at Nashik.

6) There is no justification from the applicant side why the proceedings should be transferred to the Family Court at Thane and

why a transfer has been sought as the applicant does not have trust on the other side lawyer.

7) I find no merit in the present transfer proceedings which is a petition filed under Section 24 of the Code of Civil Procedure in volumes where the total paging is around 1506. The applicant is a B.E. and is also holding a degree of MBA and was also a consultant with various NGOs.

8) I find no merit in the **present Miscellaneous Civil Application and the same stands dismissed.**

[RAJESH S. PATIL, J.]