



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

MISCELLANEOUS CIVIL APPLICATION NO. 273 OF 2025

Sumedha Shrikant Patil

..APPLICANT

VERSUS

Shrikant Jaydeorao Patil

..RESPONDENT

....
Mr. S.S. Gangakhedkar, Advocate for Applicant

Mr. V.P. Savant, Advocate for Respondent
....

CORAM : ABHAY J. MANTRI, J.

DATE : 08th MAY, 2026

PER COURT :

1. The Applicant, by this Application, seeks to transfer the divorce proceeding bearing Petition A No. 1229 of 2025 pending before the learned Family Court, Bandra, Mumbai, to the learned Family Court, Nanded.

2. Heard learned counsel for both parties at length and perused the record as well as the judgments cited by learned counsel for the Applicant.

3. At the outset, the thrust of the arguments of learned counsel for the Applicant is that the Applicant is suffering from a Hemorrhagic Cyst in the left Ovary. Therefore, she is unable to travel to and attend the proceedings at Bandra, which is 650 km away from Nanded. Therefore, she has filed this Application.

4. On the other hand, the sum and substance of the argument of learned counsel for the Respondent is that the Applicant is a Software Engineer and is working at 'Persistent Systems Ltd.' at Pune. As such, he is resisting the Application for transfer of the proceeding from Bandra to Nanded, as the Applicant resides in Pune, which is 160 kms. away from Bandra. The Respondent in paragraph no.7 of the Affidavit-in-Reply has categorically stated the said fact. He also drew my attention to the copy of the e-mail attached to the Application. (at Page No. 37 thereof), It is stated that employees working online are required to visit the office two days a week. Learned counsel for the Respondent drew my attention to Paragraph No. 6 of the Application, wherein the Applicant herself has admitted that in a week, she has to attend the office for two days as per the guidelines of the said company. Learned counsel further submitted that no other proceeding is pending at Nanded. Therefore, the Respondent objected to the transfer of the Application from Bandra to Nanded.

5. To counter the affidavit-in-reply, the Applicant has filed a rejoinder, wherein it is reiterated that the Applicant was suffering from some medical issues. Therefore, it is inconvenient for her to attend the proceedings in Bandra due to ill health. She has also tendered the medical certificate issued by Dr. Shaikh, an *Ayurvedic* Doctor, on record. In paragraph No. 4 of the

rejoinder, she stated as follows:-

“4. I say and submit that, though initially her work profile was of work from home and two days from office in a week, but due to her present health conditions, she is unable to attend the office even on two days in a week; as such, she is permitted to work from home. The applicant has even sent an email to her superior officer soliciting the present work conditions, the details in relation to her status being an employee working from home, the said response is awaited while preparation of the rejoinder affidavit.”

6. The rejoinder is filed on 07.05.2026, wherein the above averments themselves indicate that till this date, the Applicant is working in the office at Pune for two days in a week and on the remaining days she is working from her home. The response to her request for permission to work from home only is pending.

7. It is pertinent to note that the Respondent has filed a proceeding before the learned Family Court, Bandra, on 07th May, 2025. Thereafter, only notice was served on her in August 2025. As such, she has filed the Application.

8. The Applicant has filed a medical report of USG of abdomen and pelvis dated 27th April, 2021, and a formal prescription of Dr. Shaikh, an *Ayurvedic* Doctor, issued on 24th August, 2025, wherein he observed ‘generalised weakness’ and nothing more. However, she has been working in the Pune office two days a week to date, and she has not raised any grievance

that attending the Pune office is causing her any inconvenience. Therefore, the prima facie ground raised in the Application to transfer the proceeding from Bandra to Nanded appears to be incorrect and inappropriate. It may be taken into consideration that if she could attend the office in Pune, she could also attend the proceedings at Bandra; therefore, I do not find substance in the reasons stated in the Application to transfer the matter from Bandra to Nanded.

9. By filing a rejoinder, the Applicant is attempting to show that she had applied to the company/office for the grant of permission to her to work from home for the entire week, and the response to the said application is pending. However, on perusal of the said communication, it appears that the Applicant applied to the company/office on 16th September 2024, i.e., well before the filing of the divorce proceedings. By filing a rejoinder, the Applicant attempts to show that she submitted an application to the company/office seeking permission to work from home. Still, no such communication has been produced on record. She has also not produced, on record, the documents showing that the company/office has permitted her to work from home for the entire week. On the contrary, as per the guidelines of the office for Work From Home, an employee has to attend the office for two days a week, and therefore, I do not find substance in her contention that it is inconvenient for her to attend the proceeding at Bandra when she is attending the office at Pune, which is also more than 500 kms away from Nanded.

10. Learned counsel for the Applicant drew my attention to paragraph nos. 9 and 10 of the judgment in *N.C.V. Aishwarya Versus A. S. Saravana Karthik Sha.*, *AIR Online 2022 SC 1268*, which are 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 the 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.
10. Further, when **two or more proceedings are pending** in different Courts between the same parties which raise common questions of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”

11. He also placed reliance on Paragraph No.10 of the judgment in *Devika Dhiraj Patil Nee Devika Jayprakash Buttepatil Vs. Dhiraj Sunil Patil*, *AIR Online 2023 BOM 1743*, which is as under :-

- “10 It has not been disputed by the respondent that the applicant does not have any other male person in her family other than her father to accompany her to Nashik. Even though she may have travelled to the Nashik Court on 7 June 2023 for the purpose of verifying whether any divorce petition was filed by the respondent, the applicant, though qualified, is dependent on her father. It is not in dispute that her father

had undergone an eye surgery and is on medication, and also has been advised surgery for fissure and piles, and therefore cannot accompany the applicant to travel to Nashik for the purpose of attending the Court there. Therefore, even though the applicant may have some resources to travel to Nashik, however, considering her father's condition of not being able to accompany her due to his health condition is an important factor to be taken into account while considering the convenience of the wife. In a country like India, important decisions such as marriage and divorce are still taken with the guidance and blessings of elders in the family. For a lady to travel alone to the proceedings of a Court where the fate of her marriage is going to be decided, without any family member, would definitely be a matter of concern and would cause not only physical inconvenience but also emotional and psychological inconvenience. The respondent would also no doubt be undergoing panic and anxiety as referred to in the reply; however, as observed by the Hon'ble Supreme Court in the case of Rajani Kishor Pardeshi (supra), that in this type of matter, it is the convenience of the wife that is to be preferred over the convenience of the husband.”

12. Perused both the judgments. It appears that the facts in the said cases and the present case are different. Moreover, no other proceeding is pending between the parties at Nanded. Similarly, the question of no income source does not arise, as the Applicant is working as a Software Engineer at a company in Pune and earning. Moreover, as she contends, she travels from Nanded to the office in Pune twice a week. The said fact itself indicates that it would not cause her any hardship to attend the proceedings in Mumbai. Therefore, I do not find substance in her contention that, due to the illness, it is inconvenient for her to travel and attend the proceedings at Bandra. In view of the above, the question of transferring the matter from Bandra to Nanded does not arise.

13. Moreover, the medical report produced is for the year 2021. No latest report has been produced on record. Similarly, the prescription and certificate produced on record were issued by Dr. Shaikh, and he has not given any specific reason for their issuance. In the prescription it is observed that she has under his treatment for savior abdomen pain, ***weakness since last two days probably due to sun stroke and high temperature***, and therefore, in my view the medical papers produced on record do not help her in support of her contention that she is severely suffering from any illness so as unable to attend the proceeding at Bandra, and therefore, in my view the judgments on which learned counsel for the Applicant is relying on, are hardly of any assistance to her in support of her contention. Therefore, I do not find merit in the Application to transfer the proceeding from Bandra to Nanded.

14. That being so, **the Miscellaneous Civil Application being bereft of merits, stands dismissed.**

15. Needless to clarify that if the Applicant applies to the learned Family Court, Bandra, to permit her to appear in the proceeding online, then the learned Family Court, Bandra, may consider the said request positively. If the Applicant has to attend the proceeding at Bandra in person, the Respondent is ready to pay the travelling charges by train in 3rd AC or Chair Car, and Rs. 500/- towards her expenses. Learned counsel for the parties

agreed on the same.

16. The Application is disposed of.

(ABHAY J. MANTRI, J.)

SSD