

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO. 108 OF 2026

Ajinkya Ashok Keskar

..Applicant

Versus

Aboli Ajinkya Keskar

..Respondent

Mr. Ajinkya M. Udane, Advocate, for the Applicant

Mr. Girish N. Kulkarni-Mardikar a/w. Mr. Omkar V. Somvanshi,
Advocates, for the Respondent

CORAM : RAJESH S. PATIL, J.

DATE : 08.05.2026

P. C.

1. By the present transfer Application, the Applicant, who is the husband of the Respondent – wife is seeking transfer of the Application for restitution of conjugal rights filed by the Respondent – wife from the Family Court, Latur to the C.J.S.D., Pune.

2. It is the case of the Applicant that both the Applicant and the Respondent are working in the corporate sector in Pune. Therefore, if the proceeding filed by the Respondent–wife is transferred to the C.J.S.D., Pune, it will be convenient, as the proceedings can be heard together with divorce proceeding filed by the Applicant–husband.

3. Learned Counsel for the Respondent-wife disputed the fact that she is working in Pune. He submitted that she is, in fact, working from

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home in Latur and only occasionally, when required, attends the office in Pune.

4. In order to get clarification on the issue of whether the Respondent–wife is working in Pune or Latur, I had called for a response from her employer by my Order dated 30.04.2026. The employer was specifically asked to clarify whether the Respondent is physically working in Pune or working from home. The employer has since responded, and the said fact has been noted by me in my Order dated 07.05.2026, which reads as under:-

“1) Mr. G.N. Kulkarni Mardikar, learned counsel appearing for the respondent has handed over sealed packet which is issued by the company ‘Cognizant’. The said sealed packet has been opened and it contains communication dated 6/5/2026 issued by the authorised officer of the Cognizant Technology Solutions India Private Limited which mentions that Mrs. Aboli Abhimanyu Netragaonkar has been working with the Cognizant and has been working under a hybrid work model since January 2026, wherein she primarily discharges her duties on a Work From Home (WFH) basis and is required to attend the office for four days in a month, as per business requirements. The said communication is taken on record and marked ‘X’ for identification purpose.

2) Stand over to 8 May 2026.”

5. Hence, in my view, there is no dispute that the Respondent-wife works from home and only comes to the City of Pune for four days a month. Admittedly, the distance between Latur and Pune is around 370

Km and it takes about ten hours to travel.

6. In response to the submissions made by the learned Counsel for the Respondent, the learned Counsel for the Applicant has submitted that the Applicant–husband has a compulsion to attend his office in Pune. Therefore, in my opinion, the proceedings filed by the Respondent-wife should be transferred from the Family Court at Latur to the C.J.S.D., Pune. Further, the Respondent relies upon the Order passed by the Supreme Court in Transfer Petition (Civil) No. 2137 of 2024, wherein the parties were permitted to appear through video conferencing.

7. 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 deciding 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)

8. Considering the law laid down by the Supreme Court in the case of *N. C. V. Aishwarya* (supra) and the facts of the present case, where the Respondent-wife only attends her office in Pune for four days a month, and the distance between Latur and Pune is around 370 Km taking ten hours to travel, I am convinced that the balance of convenience lies in her favor and the present Miscellaneous Civil Application has no merit.

9. The **Miscellaneous Civil Application stands rejected.**

10. Mr. Udane, learned Counsel for the Applicant referred to the two Orders of the Supreme Court. In one of the Orders in the case of *Himani Virendra Bajaj vs. Virendra Bajaj* in para 5 of the *Transfer Petition (Civil) No. 29 of 2024*, the Supreme Court held that liberty is granted to the Respondent – husband to move an appropriate Application before the transferee Court for permission to participate in the proceedings virtually.

11. Similarly, in the case of *Vommi Vinayaka Jhansi vs. V. S. Yogesh* in para 4 of the *Transfer Petition (Civil) No. 2137 of 2024* along with connected Petitions, the Supreme Court held that we make it clear that

it is on the discretion of the concerned Court to allow the presence of the parties virtually until specifically directed.

12. In my view, suffice would be the purpose, if the Applicant is permitted to file an appropriate Application before the concerned Court seeking to attend the proceedings via video conferencing. If such an Application is filed, the Court will decide the same on its own merits after hearing both parties.

(RAJESH S. PATIL, J.)