

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**MISC. CIVIL APPLICATION NO.4 OF 2014**

Smt. Rajani Rohan More                      .... Applicant  
    Vs.  
Shri. Rohan Maruti More                      .... Respondent

Mr. S.D. Patil, Advocate for the Applicant.  
Mr. Prakash N. Wagh, Advocate for the Respondent.

Coram : Smt. R.P SondurBaldota, J.  
Date : 28<sup>th</sup> January, 2015

P.C.

1            This application is filed by wife under Section 24 Code of Civil Procedure for transfer of proceeding being Marriage Petition No.PA898/2013 filed by the respondent in the Family Court at Pune to the Family Court at Mumbai. The application is opposed by the respondent.

2            The grounds on which the transfer is sought are fourfold. First is the apprehension of assault at the hands of her in-laws if the applicant visits Pune for the purpose of attending to the court proceedings. Second is her bad health. She claims to be taking some treatment at Mumbai. Third is

responsibility of looking after the child aged about 2 ½ years. Fourth is personal inconvenience to take the travel from Mumbai to Pune. Ordinarily with the grounds as set out in the application, the court would be inclined to allow the application. However, a little probe into the details of the grounds and the allegations made in the reply by the respondent does not permit allowing of the application.

3            Though the applicant alleges that she has acute fear of assault at the hands of her in-laws, there is nothing to support or substantiate the fear. As regards her claim of receiving medical treatment at Mumbai though the applicant has annexed copy of the discharge card as also a medical certificate to the application, it is not possible to decipher the writing in both the documents. Therefore, the ailment of the applicant is not known. Mr. Patil, the learned advocate for the applicant is unable to state any details of the ailment. Therefore, this ground also cannot be considered for transfer.

4            As regards the personal inconvenience of travel to Pune, Mr Wagh, the learned advocate for the respondent states that the applicant infact has an accommodation at Pune since her brother resides at Pune. That address has been disclosed in one of the proceedings by the applicant. Mr. Patil,

however submits that the address at Pune shown in the plaint filed by the applicant is not used by the brother of the applicant. He is no more residing at that address. But it is not the case of the applicant that there is no place whatsoever at Pune for her to reside.

5           There is a serious complaint made by the respondent of assault at the hands of the applicant and her family members. The assault had taken place on 23<sup>rd</sup> September, 2013, when the applicant had visited the matrimonial house for the purpose of taking away some of the articles. In anticipation of some trouble, the respondent claims to have in fact intimated the Police about the visit and it is his allegation that assault on him had taken place in the presence of police personnel. The respondent has filed complaint with the police against the applicant and two more persons, which has been recorded as the N.C. Complaint. He was examined at the Civil Hospital and the Medical Certificate refers to the injuries of assault.

6           In the facts of the case, in my opinion this is not a fit case of transfer. Hence, the application is dismissed.

(Smt. R.P. SondurBaldota, J.)