

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO.176 OF 2021

Pramod Shahaji Pandav .. Applicant
Versus
Archana Pramod Pandav .. Respondent

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Mr.Manoj Patil for the Applicant.

Mr.Ganesh Bhujbal for the Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 06th DECEMBER, 2021

P.C:-

1. By the present application, the applicant/husband has sought transfer of proceedingss in form of D.V. Application No.60 of 2020, filed by the respondent/wife in the Court of J.M.F.C. Osmanabad to the Court of J.M.F.C. Jaysingpur.

2. On the last date of hearing, the following order was passed.

“1 Learned counsel for the respondent on appearance state that at present, she is residing in Kolhapur as she is a teacher in Mahila Shikshan Shastra Maha Vidyalaya Marketyard, Kolhapur. His objection for clubbing the proceedings in a Court at Kolhapur are two-fold; one being that the college in which she is working is likely to be shut down, and second that the applicant and his family is constantly harassing her. If this is her submission, let the affidavit to that effect be filed with a

forewarning that if the contentions are found to be incorrect, this Court will draw an adverse inference and pass appropriate orders.

2 List the matter on 6th December 2021.”

3. In response, an affidavit is filed by the respondent/wife on 1/12/2021 and in paragraph No.4, she states that there was no compliance of one condition of shifting the college in which she is working, to its own premises and, therefore, the recognition was withdrawn from the academic session 2021-22. The statement is, the institution is running without recognition from NCTE and the college may close at any point of time and she may be required to shift to Osmanabad at her parents' house. Pertinent to note that the letter which she has annexed is from the National Council for Teacher Education dated 20/12/2020 and it is in form of 'Withdrawal Order'. Admittedly, we are in December 2021 and the college still continues to run. This may be merely an assumption on part of the respondent that the institute may get closed, because as it is well-known, the institute will take all possible measures to assail the order or cure the deficiency. In any case, as on today, the respondent is working in the said college and stationed at Kolhapur. The contingency, which she is expecting, may or may not happen. So I am not convinced that depending upon the future contingency, which is uncertain, I shall presume that she is staying at Osmanabad. As far as the threat perception which she perceived, in paragraph No.5 of the affidavit, she states that she has received the threatening calls from some persons whose names are given alongwith

their mobile numbers and her say is that she has identified these persons from Truecaller. Needless to state that the affidavit does not proceed to say that these persons gave threatening calls to her on behalf of the applicant. In absence of such a statement, the threat perception is totally misconceived.

4. In the aforesaid circumstances, since the respondent/wife herself is staying at Kolhapur, it would be convenient for her to attend the proceedings before the Magistrate at Jaysingpur, which is located approximately 40 kms from Kolhapur, instead the proceedings at Osmanabad. In the aforesaid circumstances, the miscellaneous civil application is allowed in terms of prayer clause (b). Necessarily, the DV proceedings filed by the respondent/wife at JMFC, Osmanabad shall be transferred to the Court of JMFC, Jaysingpur. No order as to costs.

(SMT. BHARATI DANGRE, J.)