

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

962 MISC.CIVIL APPLICATION NO.116 OF 2023

**ANITA KIRAN JADHAV
VERSUS
VISHAL GHANSHYAM GHOBALÉ**

...

Mr. Gaurav Deshpande, Advocate for the applicant.
Mr. R.D. Khadap, Advocate for the respondent.

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 20.07.2023.

ORDER:-

1. Heard rival submissions.
2. The applicants are seeking transfer of Special Civil Suit No. 9/2021 filed by the respondent herein for recovery of amount around Rs. 19,00,000/- alongwith Misc. Civil Appeal No. 39 of 2021 arising out of it, from the Court of Civil Judge (Senior Division), Ambejogai as well as District Court at Ambejogai, to the concerned Courts at Nilanga.
3. According to the applicants, the applicant No.1 is 36 years old and maintaining three minor children alongwith old aged mother in law of deceased Kiran. It appears that deceased Kiran had taken certain amount from respondent and in respect of the recovery of that amount the aforesaid suit appears to be filed. The learned Counsel for the

applicants submitted that there was no document in respect of such loan allegedly taken by Kiran during his lifetime. He further pointed out that the respondent in the lifetime of Kiran did not send any notice for recovery. Further, the respondent by coming to Nilanga had also filed one application before Tahsildar opposing the mutation of names of applicants in the record of rights of the property of Kiran. Further, according to learned Counsel for the applicant, the respondent has indulged into so many illegal things, such as, money laundering and a criminal prosecution is also going on against him.

4. On the contrary, the learned counsel for the respondent strongly opposed the application by filing affidavit in reply of the respondent on the ground that the civil suit which is filed by the respondent is part-heard and the applicants have appeared there through Advocate. As such, when the applicants have actively participated in the said suit at Ambejogai, there is no reason for any transfer as claimed by the applicants.

5. It is significant to note that this is not the proceeding between husband and wife and therefore, the contention of applicant No.1 that she is maintaining minor children and old aged mother in law has no bearing on this

application. Further, it seems that this is suit for recovery of the amount which the deceased husband of applicant No.1 had taken from the respondent and the same will be decided on its own merit. Moreover, the distance between Ambejogai and Nilanga is around 110 kms. Therefore, considering the previous attendance of applicants in the aforesaid suit at Ambejogai, I am not inclined to grant any transfer of the same as claimed by the applicants. As such, the application stands rejected.

(SANDIPKUMAR C. MORE, J.)