

Ghuge

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

MISCELLANEOUS CIVIL APPLICATION NO.287 OF 2022

Swapnil Ashok Ghotane ... Applicant

V/s.

Chitra Swapnil Ghotane ... Respondent

WITH

MISCELLANEOUS CIVIL APPLICATION STAMP NO.2200 OF 2023

Chitra Swapnil Ghotane ... Applicant

V/s.

Swapnil Ashok Ghotane ... Respondent

Mr. Manoj Badgujar for the applicant in M.C.A No.287 of 2022.

Mr. Chaitanya Chavan i/b B.N. Jadhav applicant in M.C.A Stamp No.2200 of 2023.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 20, 2023

P.C.:

1. Miscellaneous Civil Application No.287 of 2022 has been filed by the husband seeking transfer of proceedings bearing Marriage Petition No.409 of 2021 pending before the learned Civil Judge Senior Division, Kalyan to the Family Court, Pune.

2. Miscellaneous Civil Application Stamp No.2200 of 2023 is filed by the wife for transfer of proceeding bearing Marriage Petition No.111 of 2021 pending before the learned Family Court, Pune to learned Civil Judge, Senior Division Kalyan.

3. Wife has filed application mainly on the ground that she is 31 years old lady. There is no one to accompany her to Pune. It is inconvenient for her to attend the proceedings in Pune on each and every date. It is also stated that no family member of the applicant is willing to travel to Pune to accompany the applicant as the father and brother are busy with their family business. She is working in Tata Communication, Mumbai and, therefore, cannot travel to Pune on each and every date.

4. The husband has filed application expressing apprehension of danger to his life at the hands of relatives of wife. He invited my attention to the First Information Report filed against the brother of wife on 8th June, 2019 under Section 506 of the Indian Penal Code, 1860. It is also stated that there is no family Court in Kalyan.

5. Having considered the grounds raised by both sides, in my opinion, the wife's application needs to be allowed and the husband's application needs to be rejected. As stated herein above, the wife has stated on oath that nobody from her family is ready to accompany her to attend proceedings in Pune. Since she is employed in Mumbai, it would be inconvenient for her to attend each and every date in Pune. On the contrary, the apprehension expressed by the husband is misplaced. Considering the nature of the offences under Section 506 of the Indian Penal Code, 1860, the F.I.R is against her brother threatening the husband with knife. If such incident takes place in future, the applicant shall have recourse legal remedies to be adopted as are provided under the law. Mere registration of First Information Report against the

brother of wife is not sufficient to draw inference that the life of husband is in imminent danger.

6. Therefore, taking into consideration convenience of the wife, Miscellaneous Civil Application Stamp No.2200 of 2023 is allowed in terms of prayer clause (a) and (b) ;

7. Miscellaneous Civil Application No.287 of 2022 stands rejected.

8. No costs.

(AMIT BORKAR, J.)