

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.226 OF 2022

Ashwini Girish Deshmukh

.. Applicant

Versus

Sandeep Suresh Patil

.. Respondent

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- Mr. Swapnil R. Chopade Patil, Advocate for Applicant.
 - Mr. Rajesh Parab, Advocate for Respondent.
-

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 16, 2024

P.C.:

1. Heard Mr. Chopade Patil, learned Advocate for Applicant and Mr. Parab, learned Advocate for Respondent.

2. Applicant seeks transfer of defamation suit filed by Respondent against her by the Respondent in the Court of Civil Judge Senior Division, Ratnagiri. This is Special Civil Suit No.24 of 2022. Grounds for seeking transfer are enumerated in paragraph Nos.6 to 9. I have perused the same. Applicant is herself inundated with a series of pending proceedings being filed under the Prevention of Domestic Violence Act, 2005; Code of Criminal Procedure, 1973; Indian Penal Code, 1860 and Hindu Marriage Act, 1955 between herself and her husband / in-laws. The details of these proceedings are enumerated in paragraph No.6. She is prosecuting or defending the same against her husband / in-laws. All these proceedings are in Malshiras, Solapur.

3. Respondent in the present case is her brother-in-law. He has filed the defamation suit in the year 2022 against Applicant in Ratnagiri as delineated hereinabove. The grounds (a) to (k) enumerated by the Applicant after paragraph No.11 are also perused by me and I do not find any reason to disbelieve those grounds as they are nothing but a reflection of the life of Applicant based on consequences of litigation.

4. **PER CONTRA**, Mr. Parab would submit that one of the ground taken by Applicant is that she is receiving a very petty amount of maintenance of Rs.3,000/- a month and that should not be considered as a ground for transfer of the defamation suit in favour of the Applicant. That undoubtedly can never be a ground since ground of hardship which has infact been explained by Applicant in grounds (a) to (k) travel much beyond that ground. Hardship of Applicant who only has a father to accompany her who himself is a senior citizen and suffering from medical ailment also needs to be considered. In the interregnum Applicant unfortunately lost her mother and she is also not a working woman and therefore has no source of income. All this apart, the proximity of distance of 300 kilometers between between Malshiras and Ratnagiri is itself a singular ground which can be considered as severe hardship for allowing the Application.

5. In view of the above observations and findings,

Miscellaneous Civil Application stands allowed in terms of prayer clauses (a) and (b) which read thus:-

- “(a) *The present Misc. application may kindly be allowed.*
- (b) *Be pleased to transfer Special Civil Suit bearing No.24 of 2022 from Ld. Civil Judge Senior Division, Ratnagiri to Ld. Civil Judge Senior Division, Malshiras, Dist- Solapur.”*

6. With the above directions, Miscellaneous Civil Application is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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