

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 376 OF 2023

Damayanti Dilip Jagtap	...	Applicant
versus		
Dilip Namdevrao Jagtap and anr.		Respondents

Ms. Swati C. Raul, Advocate for the Applicant.

Mr. Girish Paryani i/b. A & G Legal, Advocates for Respondent No.1.

Mr. Shailendra S. Kanetkar, Advocate for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 1st APRIL, 2024.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for respondents.

2. It is contention of learned counsel for the applicant that respondent No.1 is a retired police officer and he is influencing respondent No.2 in manipulating the court's dates. Learned counsel further submitted that applicant has filed proceedings under the Domestic Violence Act in JMFC, Thane, therefore, the marriage petition be transferred to Thane.

3. Learned counsel for respondent No.1 submitted that there is no ground for transfer as sought by the applicant, only to harass respondent No.1, applicant is seeking transfer. The dates are given by the Presiding Officer in presence of both the parties. No instance of preponement or postponement of dates is mentioned in the application.

The applicant had filed an application before the Principal District Judge, Thane and in the said application, allegations against staff and presiding officer are made. The applicant is in habit of making allegations against the staff and presiding officer. Hence, requested to reject the application.

4. Learned counsel for respondent No.2 submitted that respondent No.2 is a clerk, he has to record roznama as per dictation given by the Presiding Officer and he has no authority to give dates or change dates, only to harass respondent No.2, the applicant is making baseless allegations, hence, requested to reject the application.

5. I have heard all learned counsel. The applicant is seeking transfer on the ground that respondent No.2 changes dates under the influence of respondent No.1. I do not find substance in the contention of learned counsel for the applicant as nothing is produced on record to substantiate the claim of the applicant. The applicant is making baseless allegations against respondent No.2. The Presiding Officer gives dates after hearing both parties and in presence of both parties, so no question of altering the dates by respondent No.2 arises.

6. The applicant, without making amendment, is seeking transfer of this application to Thane. It cannot be considered, hence, the request of learned counsel for transfer of marriage petition to Thane is not maintainable and I pass the following order :

1. The application is dismissed.

(SHIVKUMAR DIGE, J.)