

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.287 OF 2024

Pradeep Prakash Kamble and Ors.

.. Applicants

Versus

Ravina Pradeep Kamble

.. Respondent

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- Mr. Sandesh Vidhyadhar Kate, Advocate for Applicants.
- Mr. Divyesh Jain i./by Mr. Nitin Gaware Patil, Advocate for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 29, 2024

P.C.:

1. Heard Mr. Kate, learned Advocate for Applicants and Mr. Jain, learned Advocate for Respondent.

2. Applicants seek transfer of seven proceedings, details of which are enumerated in paragraph No.26 of the Application, the first of such proceeding having been filed in the year 2015. Fortunately the Applicant has given the stage at which the proceedings are today being heard by the concerned Court. That enables the Court to pass an appropriate order when multiple proceedings are pending.

3. Mr. Kate would submit that six out of seven proceedings are pending in various Court at Ahmednagar whereas one proceeding is pending in the Court at Karmala, Solapur. He would submit that these proceedings be transferred to the District and Sessions Court, Pune on the grounds which are stated in the Application.

4. At the outset, Mr. Kate would submit that the destination Pune suggested by the Applicant is only because it is midway in between Ahmednagar and Mumbai and there is no other reason for seeking transfer to Pune. One of the principal ground which he voices before the Court is that during the pendency of the aforesaid proceedings, Applicant has faced severe harassment at the hands of Respondent's relatives. He would submit that whenever the parties come across face to face, the Applicant is subjected to severe abuse and apprehends threat to his life. The other grounds which are enumerated in the Application are that the Respondent – wife is an Advocate practicing in the Court at Shrigonda, District – Ahmednagar and therefore she is influential.

5. One more reason stated by Applicant is the advanced age of his parents and his mother being suffering from paranoid schizophrenia. Finally he would submit that the financial condition of Applicant does not enure to his benefit to travel the distance of approximately 240 kilometers from Kalyan to Ahmednagar to attend the proceedings.

6. Mr. Jain would submit that it *prima facie* appears that some of the proceedings filed are multiple proceedings because in the interregnum the parties had attempted to settle due to which the proceedings were not prosecuted. Be that as it may, what is important

to be seen is the comparative hardship to the parties as enumerated by the Supreme Court in the case of **N.C.V. Aishwarya Vs. A. S. Saravana Karthik Sha**¹. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure, 1908 is that ends of justice should demand the transfer of the proceedings. Supreme Court has held that given the prevailing socio-economic paradigm in Indian society, generally it is wife's convenience that has to be looked at while considering the transfer. Here is a case where proceedings are pending in the Court at Ahmednagar where the wife is residing and what is seen by the Court is that they are at various stages and infact two of the proceedings are for final arguments and three proceedings are at the stage of evidence.

7. The only submission made by Mr. Kate which appeals to the Court is about the security sought for by the Applicant when he visits Ahmednagar to attend proceedings. It is seen that the Respondent herself is an Advocate by profession and practices in the Court at Shrigonda, Ahmednagar. Therefore it is difficult to believe that the Respondent will take law into her own hands. Be that as it may, since it is grievance of the Applicant that he faces an imminent threat of abuse, harassment and threat at the hands of the relatives of Respondent, the Applicant can always approach the law enforcement agencies namely the local jurisdictional police station in the event of

¹ AIR 2022 SC 4318

any untoward incident which may happen with him and lodge an appropriate complaint. Respondent is also directed by this Court to ensure that Applicant is not subjected to any harassment or abuse as alleged by him.

8. On a scale of balance of convenience between the parties, as also proximity of distance, since Respondent resides in Ahmednagar the Application stands rejected.

9. In view of the above, Miscellaneous Civil Application is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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