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10-MCA-356-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 MISC.CIVIL APPLICATION NO. 356 OF 2024

Rupakaur Ganesh Dhobhal

VERSUS

Ganesh Shivsing Dhobhal

...

Mr.Avinash R. Borulkar, Advocate for Applicant.

Mr. S. R. Sapkal, Advocate for the Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 27th MARCH 2025

PC :-

1. Heard the parties.
2. This application is filed for transfer of proceeding i.e. Petition No. A/216/2021 from the Court of learned Judge, Family Court at Jalna to any other court of competent jurisdiction in Jalna.
3. The only ground stated is that the respondent-husband happens to be a Block Development Officer and, therefore, the learned Judge is accommodating him and giving dates as per his convenience. The dates are given without any cross question. No any allegation as such is made as to why the applicant is apprehending bias or has any reason not to

have faith in the Court.

4. The learned Advocate Mr. Borulkar submits that the client knows the demeanor of the Court and it is clear from the demeanor of the court that the court is not likely to have a bias in the manner and, therefore, the applicant has lodged the application. It is, therefore, necessary to show the transparency to transfer the proceeding to any other Court.

5. The learned Advocate Mr. Sapkal vehemently opposed the application. He submits that, mere utterances in the Court need not give any reason to lose faith in the Court. He relied upon the judgment in the case of ***R. Balakrishna Pillai Vs. State of Kerala***¹. The Hon'ble Apex Court in paragraph No.10 has observed thus:

“10. It is true that one of the principles of the administration of justice is that justice should not only be done but it should be seen to have been done. However, a mere allegation that there is apprehension that justice will not be done in a given case is not sufficient. Before transferring the case, the court has to find out whether the apprehension appears to be reasonable. To judge the reasonableness of the apprehension, the state of mind of the person who entertains the apprehension is no doubt relevant but that is not all. The apprehension must appear to the court to be reasonable, genuine and justifiable. In the present-day scenario, if these types of applications are entertained, the entire judicial atmosphere would be polluted with such frivolous petitions for various reasons....”

1 [(2000) 7 SCC 129]

6. This Court does not find that the allegations made in this application are sufficient enough to give rise or to make the applicant to believe that the court is bias against her. Considering above, this court finds that no case is made out to transfer the proceeding. The application is, therefore, dismissed. No order as to costs.

[KISHORE C. SANT, J.]