

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 384 OF 2008
IN
MISC. CIVIL APPLICATION NO. 13 OF 2008
WITH
CIVIL APPLICATION NO. 341 OF 2008
IN
LETTERS PATENT APPEAL NO. 384 OF 2008

Sudhakar Bhojaya Shetty ... Applicant

V/s.

The Chief Officer ... Respondent
Nallasopara Municipal Council.

Mr. S. A. Tawate for the petitioner.

**CORAM : NARESH H. PATIL AND
VL. ACHLIYA, JJ.**

DATED : 27th March 2015.

P.C.

1) Appellant had filed an appeal under section 24 (1)(b) of Code of Civil Procedure for transferring the case. Misc. Civil Application No. 13 of 2008 which was dismissed vide order dated 23/04/2008 by this Court (Coram: S. J. Vazifdar, J).

2) Learned counsel for the appellant submits that learned trial Judge

who was in-charge at the relevant time has been transferred. It is submitted that appellant, being plaintiff was examined and cross-examined. Some of the answers given by the appellant were not recorded properly.

3) We do not propose to express any opinion on merits. Appellant is at liberty to seek appropriate alternate remedy permissible under the Law.

4) Letters Patent Appeal has become infructuous and dismissed accordingly. In view of the dismissal of Letters Patent Appeal, Civil Application No. 341 of 2008 does not survive and disposed of accordingly.

(V. L. ACHLIYA, J.)

(NARESH H. PATIL, J.)