

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5803 OF 2014**

Dnyanoba Sakharam Dhayarkar	..Petitioner
Vs.	
Shantabai Sakharam Dhayarkar (dead) & Ors	..Respondents

Mr. Dnyanoba Dhayarkar Petitioner in person present
Mr. Ravindra Pachundkar for the Respondent Nos.2 to 5

CORAM : R. M. SAVANT, J.
DATE : 19th JANUARY, 2015

P.C.

1 At the outset, the Petitioner in person who is an Advocate makes a statement that he would withdraw the allegations made in paragraphs 17 and 18 of the application being Civil Misc Application No.254 of 2014. Statement accepted. Amendment to be carried out cancelling the said paragraphs in the course of the week.

2 The Writ Jurisdiction of this Court is invoked against the order dated 9-4-2014 passed by the Learned Principal District Judge, Pune, by which order, the application being Civil Misc Application No.254 of 2014, came to be rejected. The said application was filed under Section 24 of the Civil Procedure Code for transfer of the proceeding to some other Learned District Judge. The grounds on which the said relief sought are mentioned in the said application in various paragraphs amongst which were paragraphs 17 and 18. The allegations comprised in the said paragraphs have been withdrawn by the

Petitioner by a statement made today. In so far as the other paragraphs are concerned, it is the grievance of the Petitioner that though he has filed applications in the pending Appeal which has been filed against the decree of dismissal of the Suit, the said applications have not been considered by the Lower Appellate Court. Amongst the allegations is the allegation that both he and his daughter have been given insulting and humiliating treatment by the Learned District Judge. The said application has been rejected by the Learned Principal District Judge on the ground that the grounds set out in the said application do not warrant transfer of the proceedings to some other Learned District Judge.

3 The Learned Counsel for the Respondent Nos.2 to 5 also supports the impugned order states that the Petitioner is in the habit of making baseless allegations against the court as well as other side.

4 In my view, it is not necessary for this Court to enter into upon an inquiry as regards the allegations. Since it is the case of the Petitioner, which revolves around the manner in which the Petitioner and his daughter are being treated by the Learned District Judge. Hence without going into the said allegations but with a view to see to it that the proceedings are conducted in a conducive atmosphere and that the Petitioner does not have a grievance that justice is not being done to him and since the Petitioner has now withdrawn

the allegations made in paragraphs 17 and 18 and also makes a statement that he would not make further allegations in future either against the Court or the other side. The above Writ Petition is allowed. The impugned order dated 9-4-2014, is set aside. The Appeal in question being No.518 of 2011 to be transferred to some other Learned District Judge by the Learned Principal District Judge, Pune on the receipt of a copy of this order. The Petition is allowed to the aforesaid extent and to accordingly stand disposed of.

5 It is clarified that setting aside of the impugned order should not be construed as any expression of opinion by this Court in respect of the allegations made by the Petitioner. The Petitioner to also co-operate in the disposal of the proceedings.

5 The parties to act upon an ordinary copy of this order duly authenticated by the Court Shirestedar.

[R.M.SAVANT, J]