

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5148 OF 2014

(DHARAMRAJ SHYAMRAO ROKADE..VS..RAJU HARIBHAU JAGRE.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : DECEMBER 16, 2015.

Heard Shri Pradeep Marpakwar, advocate for the petitioner and Shri A.J. Thakkar, advocate for the respondent.

The petitioner had filed First Appeal No.638 of 2009 before this Court challenging the judgment passed in Regular Civil Suit No.206 of 2008 which was filed under Section 6 of the Specific Relief Act. The appeal came to be transferred to the District Court. Before the District Court the petitioner filed an application seeking permission to convert the First Appeal into Civil Revision Application under Section 115 of the Code of Civil Procedure. This application is 'filed' by the learned District Judge observing that he has no jurisdiction to grant such prayer.

The impugned order does not suffer from any illegality or error of jurisdiction. I see no reason to interfere with the impugned order.

The petition is **dismissed**. In the circumstances, the parties to bear their own costs.

It is clarified that the petitioner will be at liberty to take appropriate steps according to law, as permissible, if so advised.

JUDGE