

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO. 92 OF 2016

Mohd. Afroz s/o Mohd. Rafiq
Age 30 years, Occu. Nil,
R/o H-5-22-54, New Gulmandi
road, Aurangabad
District Aurangabad

.. Applicant

Versus

Ayesha Kausar w/o Mohd. Afroz,
Age 21 years, Occu. Household,
R/o H.No. 1-13-66, Shahabazar,
Aurangabad, Dist. Aurangabad

.. Respondent

Mr S.B. Choudhari, Advocate for applicant
Mr Farooqui K.N. Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.

DATE : 17th October, 2016

ORAL JUDGMENT

1. Rule. Rule returnable forthwith.
2. Heard learned counsel for the parties.
3. Learned counsel for the applicant urges that the matter may be listed before another Presiding Officer, as grudge may be entertained against him by the Presiding Officer before whom the proceedings are pending.
4. It appears to be the case of the applicant that on the scheduled date 7th December 2015, he was not in a position to attend the court on account of illness and had attempted to seek time by tendering an application through his friend. He claimed to have not received

proper treatment at the hands of the Presiding Officer and as such, an application had been moved to the Honourable the Chief Justice making complaint about incident, however, subsequently, it appears that the applicant has engaged professional service of an advocate and accordingly, matter is being posted before the learned Presiding Officer.

5. Though learned counsel apprehends grudge being entertained by the Presiding Officer, it may be considered that now the applicant has engaged professional services and the matter is to be dealt with on facts, evidence and in accordance with law. The solitary incident in this matter would not be given such significance which would overwhelm the outcome in the matter on facts, evidence and law. In such circumstances, it does not appear to be a case wherein miscellaneous civil application can be considered.

6. Miscellaneous civil application, as such, stands rejected with above observations. Rule stands discharged.

SUNIL P. DESHMUKH,
JUDGE

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