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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.4 OF 2016
IN
MISC. CIVIL APPLICATION NO.178 OF 2015

Ms.Anindita Dey & Anr.	...Petitioners
V/s.	
Gopal Shetty	...Respondent

Ms.Anindita Dey – Petitioner No.1 appears in person.

None for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 19TH JULY, 2016.

P.C. :-

1. The petitioner no.1, who is present in person, states that this review petition has been filed against the order dated 27th January, 2016 passed by this Court, rejecting the said misc. civil application on the ground that the learned single Judge had no jurisdiction to transfer the election petition pending before another single Judge of this Court to any other Court. This Court while rejecting the said misc. civil application also recorded the statement made by the petitioner no.1 that the election petition itself had been already dismissed by the Court.

2. The petitioner no.1, who appears in person, states that

this Court could not have rejected the misc. civil application on the ground that Election Petition No.3 of 2014 was already dismissed by the Court once, this Court having taken a view that this Court has no jurisdiction to transfer the election petition pending before another Judge of this Court to any other Court.

3. It is made clear that this Court has rejected the misc. civil application on the ground that the learned single Judge of this Court had no jurisdiction to transfer the election petition pending before another single Judge of this Court. This clarification is issued at the instance of the petitioner no.1, who appears in person.

4. At this stage the petitioner no.1 submits that on 27th January, 2016 she had also applied for adjournment for filing an additional affidavit to justify that merely because her election petition was rejected by this Court, on that ground this Court could not refuse to transfer election petition from one single Judge to another single Judge of this Court. It is clarified that since this Court did not have jurisdiction to transfer the election petition from one single Judge of this Court to any other single Judge of this Court, an adjournment for filing an additional affidavit to submit that dismissal of the election petition was not relevant for the purpose of deciding the misc. civil application for transfer of the said election petition was rejected.

5. The party in person also submits that this Court could go

into the allegations made by the petitioners / applicants in the misc. civil application on merits. In my view, since this Court had taken a view that the learned single Judge of this Court had no jurisdiction to transfer the election petition pending before one single Judge of this Court to any other Judge of this Court, this Court could not have gone into the merits.

6. In my view, no case is made out for recall of the order passed by this Court. The Review Petition is accordingly dismissed. No order as to costs.

(R.D. DHANUKA, J.)