

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6340 OF 2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Ameya V. Borwankar for the petitioner

CORAM : K. K. TATED, J.
DATE : JUNE 20, 2016

P.C.:

- 1 Heard the learned counsel for the petitioner.
- 2 By this petition, under Article 227 of the Constitution of India, petitioner org.Judgement Debtor no.2 challenges the order dated 14.2.2014 passed by Civil Judge, Senior Division, Pune in which the court recorded that Judgement Debtor No.2 made a statement before the court that he does not want to settle the matter and started hue and cry in the Court Hall.
- 3 The learned counsel for the petitioner submits that if matter is heard by the same Judge this order goes against them. Hence, same be set aside. In support of this contention, the learned counsel for the petitioner relies on the judgment of

the Apex Court in the matter of Arcons Infrastructure Ltd. & Anr. vs. Cherian Varkey Construction Co.(P) Ltd. & Ors. reported in 2010 DGLS (Soft.) 756 and particularly paragraph 32 (iv).

“(iv) If the Judge in charge of the case assists the parties and if settlement negotiations fail, he should not deal with the adjudication of the matter, to avoid apprehensions of bias and prejudice. It is therefore, advisable to refer cases proposed for Judicial Settlement to another Judge.”

4 In the course of arguments, the learned counsel for the petitioner submits that concerned Judge who passed impugned order dated 14.2.2014 is already transferred from that court. Considering these facts, following order is passed:

- a) Trial Court is directed to decide Special Darkhast No.96 of 2010 on its own merits without influencing the order dated 14.2.2014.
- b) Writ Petition stands disposed of with this direction.
- c) No order as to costs.

JUDGE