

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.135 OF 2016
IN
WRIT PETITION NO.5377 OF 2016

The State of Maharashtra & anr. ... Applicants

Vs.

Kedar Sunil Varad
through His father Sunil V. Varad & anr. ... Respondents

Mr.Vishal Thadani, AGP, for the Applicant/State
None for Respondents

CORAM: **SMT. V.K. TAHILRAMANI &**
MRS.MRIDULA BHATKAR, JJ.

DATE: **JUNE 15, 2016**

P.C.:

1. Not on board. Upon mentioning, taken on Board.
2. The prayer of the applicant in this application is that Writ Petition No.5377 of 2016 which is filed before the Division Bench of this Court at Aurangabad be transferred to the Principal bench at Mumbai and the same be heard alongwith Writ Petition No.5701 of 2016, which is filed before the Principal Bench at Mumbai.
3. The reasons for seeking transfer of Writ Petition No.5377 of 2016 to this Bench is that the issue involved in that matter and the issue involved in Writ Petition No.5701 of 2016 is the same and there should not be

conflicting decisions in both these matters. As far as this ground is concerned, the first and foremost aspect to be considered is that the applicant is the State of Maharashtra. It is easy for the applicant to appear before any Bench and be represented by any Counsel before that Bench. However, it is very difficult for a private party, who has filed a Writ Petition at the Aurangabad Bench to travel on all the dates to Mumbai and to represent themselves in the matter or to remain present to instruct their Counsel. Except for the present applicant, the parties in both the Writ Petitions are entirely different. Moreover, as far as the issue of conflicting decisions is concerned, whichever Writ Petition is decided first in point of time, that order would be pointed out in the other Writ Petition and the Court would certainly take it into consideration.

4. In this view of the matter, we are not inclined to grant the prayer in this application. Hence, the application is rejected.

(MRIDULA BHATKAR, J.)

(V.K. TAHILRAMANI, J.)