

1. Heard Mr.Vinayak Indrale, learned counsel for the petitioners at length.
2. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged the Judgment and order dated 20.10.2015 passed by the learned Principal District Judge, Pune in Civil Misc. Application No. 771 of 2013. By that order, the learned Principal District Judge rejected the application made by the petitioners under Section 24 of C.P.C. for transferring Special Civil Suits No.183 of 2008 and 2454 of 2010 pending on the file of Civil Judge, Jr. Dn, Pune (Shri J.H.Khomane).
3. Mr. Indrale submitted that respondent no.1-Balaji Pundlik Shinde made application on 19.7.2011 before the learned Civil Judge, Sr. Dn., Pune for clubbing Special Civil Suit No.1607 of 2006 pending on the file of Jt. Civil Judge, Sr. Dn, Pune, Special Civil Suit No.183 of 2008 pending on the file of Jt. Civil Judge, Sr

Dn., Pune and Spl. Civil Suit No.2454 of 2010 pending on the file of 3rd Jt Civil Judge, Sr Dn., Pune, and requesting the Principal District Judge to consolidate the same proceedings on administrative side in the interest of justice. He submitted that the learned Principal District Judge passed administrative order clubbing all the suits together and placing it before one court for disposing off together. However, despite that order, the learned Civil Judge Sr. Dn., Pune (Shri J.H.Khomane) decided Special Civil Suit No.1607 of 2006 against the petitioner.

4. In short, he submitted that the learned trial Judge was not justified in deciding only Spl. Civil Suit No.1607 of 2006 and ought to have decided all the suits which were clubbed together and should have disposed of all the suits together as per administrative order passed by the learned Principal District Judge, Pune. He submitted that as the learned trial Judge has decided Spl. Civil Suit No.1607 of 2006 against the petitioners herein, the petitioners have reasonable apprehension that the same Judge will decide the remaining suits, namely Spl. Civil Suit No.183 of 2008 and Spl. Civil Suit No.2454 of 2010 against the petitioners. He submitted that if the suits are transferred to any other court in Pune, no prejudice would be caused to other side.

5. By the impugned order, the learned Principal District Judge rejected the application by observing that Spl. Civil Suit No. 1607 of 2006 was dismissed on 24.8.2015 by the learned trial Judge

and it is only thereafter the application is moved for seeking transfer of the proceedings to other court. It was further observed that merely because one of the suits is decided against the petitioners herein, it cannot be said that the Judge has bias approach against the petitioners and, therefore, no sufficient ground or reason is made out for transferring the suits.

6. Even if for the time being grievance of Mr Indrale is accepted that the learned trial Judge was not justified in proceeding to decide only one suit, namely 1607 of 2006, there is no satisfactory answer from the petitioners as to why they did not insist the learned trial Judge to try and decide all suits together. There is no explanation as to why the petitioners participated in Spl. Civil Suit No.1607 of 2006. It is only after the suit was decided against them, they have moved application under section 24 of C.P.C. In my opinion, this is clearly an after thought. In view thereof as also for the reasons recorded in paragraph 8 of the impugned order, I do not find that any case is made out for transferring the suits. Hence, Petition fails and the same is dismissed, Order accordingly.

(R.G.KETKAR, J.)