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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION (STAMP) NO.32246 OF 2015

M/s.Prarthana International	...Applicant
V/s.	
M/s.Sarveshwar Industries	...Respondent

Mr.Kunal Bhange for the Applicant.

Mr.Suraj Shah for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 8TH JANUARY, 2016.

P.C. :-

1. By this misc. civil application, the applicant seeks transfer of execution application described in prayer clause (a) of the misc. civil application which is still pending for hearing and final disposal before Court No.13 of Small Causes Court, Mumbai to any other Court as this Court deems fit.

2. This misc. civil application has been filed for transfer based on some of the allegations made in the misc. civil application. The allegations made in the misc. civil application against the concerned Judge are vehemently denied by learned counsel appearing for the respondent. He however, submits that to obviate any further delay in disposal of the execution application, he has no objection if the matter

is heard by any other Judge of the Small Causes Court, Mumbai.

3. The misc. civil application is allowed in terms of prayer clause (a). It is however, made clear that no aspersion are cast against the learned Judge presiding in Court No.13. The allegations made by the applicant in the misc. civil application are not accepted. Since the respondent has agreed to transfer the misc. civil application to obviate any further delay in final disposal of the execution application, in the interest of justice and by consent of both the parties, the execution application is transferred to another Judge who shall be designated by the Chief Judge of the Small Causes Court at Mumbai for expeditious disposal of the execution application.

4. It is made clear that this order shall not be used as a precedent in any other matter.

5. The misc. civil application is accordingly disposed of in aforesaid terms. No order as to costs.

6. The parties as well as the learned Chief Judge of the Court of Small Causes, Mumbai to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)