

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 259 OF 2017

MR. VICTOR GABRIEL DIAS AND ANR., ... Petitioners
Versus
MR. MANODZH NAGIL AND ANR., ... Respondents

Mr. S. S. Kantak, Senior Advocate with Mr. Abhijeet Kamat,
Advocate for the petitioners.

Coram:- C. V. BHADANG, J.

Date:- 7th June, 2017

P.C.

Heard Shri Kantak, the learned Senior Counsel for the petitioners.

2. This petition is challenging the order passed by the learned District Judge, Panaji, whereby an application for transfer of Miscellaneous Civil Appeal No.6/2015, pending on the file of the learned District Judge-2, Mapusa to any other Court, has been rejected. The learned Senior Counsel submits that since after this order is passed, the Presiding Officer of the concerned Court has been transferred and, therefore, nothing survives in the petition, which has become infructuous. However, it is submitted that the learned District Judge has observed that the present petitioner was acting at the behest of the Advocate, who had filed a complaint against the concerned Presiding Officer

before the Hon'ble Chief Justice. It is submitted that this part of the observation, which says that the "present application is filed taking shelter of the present applicant by an Advocate, who lodged complaint against the Presiding Officer with regard to another matter, be expunged.

3. In the circumstances, the petition is disposed of being infructuous. The part of the observations, as contained in paragraphs 7 and 13 to the effect that the application before the District Judge was filed by taking shelter of the petitioner by an Advocate, who lodged a complaint against the Presiding Officer with regard to another matter, is hereby expunged. It is made clear that this Court has not expressed any opinion on the complaint lodged by the Advocate of the applicant/ petitioner with regard to some other matter.

C. V. BHADANG, J.

SMA