

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12512 OF 2015

Chembur Service Station

...Petitioner

Versus

Bharat Petroleum Corporation Limited &
Ors.

...Respondents

Mr. J.J. Thakkar, for the Petitioner.

None for the Respondents.

CORAM : N.M. JAMDAR, J.

DATE : 2 February 2017

ORAL ORDER :

Heard the learned Counsel for the Petitioner. Though the learned Counsel for the Petitioner states that the order dated 1 August 2015 transferring the Suit No. 913 of 2008 is not challenged *per se*, certain observations made by the learned Chief Judge in the impugned order will affect the merits of the case.

2. The apprehension is not warranted. The power vested in the learned Chief Judge to transfer the Suit is primarily to seek convenience of the parties and to avoid multiplicity and duplication of proceedings amounting to wastage of judicial time. Therefore, even though some observations may have been made by the learned Chief Judge, they will have to be construed in the context of the jurisdiction exercised by the learned Chief Judge and cannot be reflection on the merits and the rival contentions to the Suit.

3. As far as the observations that it will not be convenient to hear two Suits simultaneously, it is clarified that ultimately whether this would be a feasible course of action to be taken, will have to be decided by the learned Small Causes Court, Judge, who will hear both the Suits. In view of this clarification, no further order is required. The Writ Petition is disposed of.

[N.M. JAMDAR, J.]