IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 2148 OF 2018
IN
WRIT PETITION NO. 15387 OF 2017
(AURANGABAD BENCH)

The State of Maharashtra & Ors. .. Applicants

Vs.

Sayyed w/o Asama Shahid .. Respondent

....

Mr.V.N. Sagare A.G.P. for the Applicants
None for the Respondent

....

CORAM : SMT.V.K.TAHILRAMANI ACTING C.J.

DATED : FEBRUARY 05, 2018
IN CHAMBER AT 2.35 P.M.

P.C.:

1 Heard the learned A.G.P. for the applicants.

2 In this application, it is prayed that Writ Petition No. 15387 of 2017 which is pending before the Aurangabad Bench of the High Court be transferred to the Principal Seat i.e. High Court of Judicature at Bombay and the writ petition be heard along with writ petition No. 13681 of 2017 along with connected matters which are pending before the Principal Seat at Bombay.

3 The learned A.G.P. stated that the issue involved in Writ Petition No. 13681 of 2017 and connected matters which are pending at the Principal Seat at Bombay, is similar to the issue involved in Writ Petition No. 15387 of 2017 which is pending before the Aurangabad Bench of the High Court, hence, in order to avoid confusion, the said writ petition be transferred to the Principal Seat at Bombay.

4 The office of Government Pleader at Aurangabad represents the Government in the matters which are pending before that Bench. Likewise the office of the Government Pleader at the Principal Seat at Bombay represents the Government in matters before the Principal Seat, hence, there would be no difficulty if the writ petition No. 13681 of 2017 and connected matters which are pending before the Principal Seat at Bombay are heard at the Principal Seat at Bombay and the writ petition which is pending at Aurangabad Bench is heard at Aurangabad. Moreover, the private parties who are appearing in the matter in the High Court Bench at Aurangabad, will be put to great difficulty if the said matter is transferred to the

Principal Seat at Bombay, as the parties would have to incur additional expenses for lawyer's fees, travel etc. from their own pocket which would not be fair to those litigants. Moreover, there would be no confusion if the Principal Seat at Bombay decides the matters first which are pending before it as the said decision can be followed in the matters which are pending at the Bench at Aurangabad and if the matter which is pending at Aurangabad Bench is disposed of earlier, the said decision would be intimated immediately by the learned A.G.P. at Aurangabad to its counterpart in Mumbai and to the Court and the matters can be disposed of in the light of the said decision. In this view of the matter, I do not think that this is a fit case to grant the prayer for transfer of the matter, hence, application is rejected.

ACTING CHIEF JUSTICE

kandarkar