

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 73 OF 2018
IN
WRIT PETITION NO. 172 OF 2002
(NAGPUR BENCH)**

The State of Maharashtra & Anr. .. Applicants

Vs.

Dadimay Medical Memorial Research
Trust .. Respondent

....

Mr. N.C. Walimbe A.G.P. for the Applicant-State
None for the Respondent
Mr. S.G. Dige, Charity Commissioner and Mr. B.P. Vyas Deputy
Charity Commissioner, Govt. of Maharashtra are present

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

**DATED : MARCH 13, 2018
IN CHAMBER AT 2.40 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. 172 of 2002 which is pending before the Nagpur 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 PIL No. 40 of 2017 and two Original Side Writ Petition Nos. 1864 of 2007 and 1780 of 2007 which are pending before the Principal Seat at Bombay.

3 The learned A.G.P. stated that the issues involved in PIL No. 40 of 2007, Writ Petition No. 1864 of 2007 and Writ Petition No. 1780 of 2007 which are pending at the Principal Seat at Bombay, are similar to the issue involved in Writ Petition No. 172 of 2002 which is pending before the Nagpur 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 Nagpur 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 PIL No. 40 of 2007 and Original Side Writ Petition Nos. 1864 of 2007 and 1780 of 2007 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 Nagpur Bench is heard at Nagpur. Moreover, the private parties who are appearing in the matter in the High Court Bench at Nagpur, 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 Nagpur and if the matter which is pending at Nagpur Bench is disposed of earlier, the said decision would be intimated immediately by the learned A.G.P. at Nagpur 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