

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.10167 OF 2015

Shrikant Gundiram Malkar	]	Petitioner
Vs.		
Mody Sorabjee Vachaghandhy	]	
Agiary (Fire Temples) Trust & Ors.	]	Respondents

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None for the Petitioner.

Mr. Sunil Jayakar a/w Ms. Gunjan S. Jayakar & Mr. Miheer S. Jayakar, for Respondents.

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CORAM : R.G. KETKAR, J.

DATE : 16TH MARCH, 2018.

P.C.

None appears for the petitioner. Heard Mr. Jayakar, learned Counsel for the respondents.

2. By this Petition under Article 227 of the Constitution of India, the petitioner (hereinafter referred to as 'defendant No.1') has challenged the order passed by the learned Chief Judge of Court of Small Causes at Mumbai in Transfer Application No.99 of 2015 taken out in L.E. Suit No.334 of 2008. By that order, the learned Chief Judge rejected the application made by defendant No.1 for transferring the suit from Court Room No.16 to another Court.

3. Mr. Jayakar submits that after the impugned order, the learned Judge presiding over Court Room No.16 was transferred and in his place, other Judge also took charge of the proceedings of Court Room No.16. Presently the Judge against whom allegations were made for transferring the suit is not presiding over Court Room No.16. That apart, even the suit is decreed.

4. In view of these developments, nothing survives in this Petition and the same is accordingly rejected. It will be open for respondent No.1 to agitate the contentions which are recorded in paragraphs 5 and 7 of the order dated 26th November, 2004 reflecting on the conduct of the Advocate of defendant No.1 in Misc. Appeal No.379 of 2014.

[R.G. KETKAR, J.]