

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 163 OF 2017
IN
WRIT PETITION NO. 8589 OF 2016
(AURANGABAD BENCH)**

The State of Maharashtra & Ors. .. Applicants

Vs.

Dr. Sharda Atirudra Sangewar & Ors. .. Respondents

....

Mr. O.M. Kulkarni AAGP for the Applicants
None for the Respondents

....

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

**DATED : APRIL 18, 2018
IN CHAMBER AT 2.35 P.M.**

P.C.:

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

2 In this application preferred by the State of Maharashtra and others, it is prayed that Writ Petition No. 8589 of 2016 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 St. No. 22805 of 2016 which is pending before the Principal Seat at Bombay.

3 The learned A.G.P. stated that the issue involved in Writ Petition St. No. 22805 of 2016 which is pending at the Principal Seat at Bombay, is similar to the issue involved in Writ Petition No. 8589 of 2016 which is pending before the Aurangabad Bench of the High Court, hence, in order to avoid conflicting orders and in the interest of justice, 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 St. No. 22805 of 2016 which is pending before the Principal Seat at Bombay is 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 the litigants. Moreover, there would be no conflict if the Principal Seat at Bombay decides the matter first which is pending before it as the said decision can be followed in the matter which is 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 who in turn will inform this Court and the matter 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