

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 165 OF 2017
IN
WRIT PETITION NO. 1583 OF 2015
(AURANGABAD BENCH)**

The State of Maharashtra & Ors. .. Applicants

Vs.

Dr. Ram Madhavrao Musande & Anr. .. Respondents

....

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

....

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. 1583 of 2015 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. 1574 of 2015 and 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. 1574 of 2015 and connected matters which are pending at the Principal Seat at Bombay, is similar to the issue involved in Writ Petition No. 1583 of 2015 which is pending before the Aurangabad Bench of the High Court, hence, in the interest of justice and in order to avoid conflicting orders, 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. 1574 of 2015 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 the litigants. Moreover, there would be no conflict if the Principal Seat at Bombay decides the matters first which are 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 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