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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.25816 OF 2018

Niyojit Shri Vinobha Bhave Smruti
Sahakari Grahnirman Sanstha ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Mr.P.B. Shah I/b Mr.Kayval Shah for the Petitioner.

Mr.Surel Shah for the Respondent No.4.

CORAM : R.D. DHANUKA, J.
DATE : 7TH SEPTEMBER, 2018.

P.C. :-

1. By this petition filed under under Article 227 of the Constitution of India, the petitioner has impugned the order dated 23rd August, 2018 passed by the learned Principal District Judge, Solapur in Civil Miscellaneous Application No.198 of 2018 below Exhibit – 1 for seeking transfer of the Civil Appeal No.279 of 2013 from the Court Room No.9, District & Sessions Judge Shri S.M. Patil to another Judge.

2. Mr.P.B. Shah, learned counsel appearing for the petitioner invited my attention to some of the annexures to the writ petition and would submit that the learned District & Sessions Judge sitting in Room No.9 was not granting an adjournment to the petitioner though

there were several valid reasons for such adjournment and whenever granted an adjournment, the same was granted on payment of some costs. He submits that his client has an apprehension of not getting any justice before the learned District & Sessions Judge presiding over Court No.9 and thus the learned Principal District Judge ought to have transferred the proceedings from Court Room No.9 to any other District & Sessions Judge sitting at Solapur.

4. A perusal of record indicates that the appeal was filed in the year 2013. Learned advocate representing the petitioner was appearing before the learned District & Sessions Judge and had applied for an adjournment on one or other ground. Both the parties had agreed that the proceedings shall be heard expeditiously. Learned District & Sessions Judge has shown indulgence to the learned advocate appearing for the petitioner from time to time.

5. Since the appeal was of the year 2013, the learned District & Sessions Judge has granted short adjournment or on payment of token amount of costs. It cannot be thus allowed to be urged that the District & Sessions Judge was biased and thus the matter shall be transferred from his Court to any other Court.

6. I have perused the order passed by the learned Principal & District Judge on 23rd August, 2018. Even on the date of the said application being on board, learned advocate was absent. In my view,

the impugned order passed by the learned Principal District Judge is a reasoned order and cannot be interfered with in this petition.

7. A Judge being strict and not granting an unnecessary adjournment in the matter, cannot be considered as bias. If this type of application is entertained by this Court, no Judge will be able to maintain the time schedule and discipline while deciding a matter.

8. The writ petition is accordingly dismissed with costs quantified at Rs.25,000/- which shall be paid by the petitioner to the Kirtikar Law Library within one week from today. A copy of the receipt of the costs shall be produced before the learned Sheristedar of this Court upon payment.

Vasant Anandrao Idhol
Digitally signed by Vasant Anandrao Idhol
Date: 2018.09.11 14:55:44 +0530

(R.D. DHANUKA, J.)