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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12558 OF 2017

Mujibur Rehman Haji Israr
Alam Siddiqui ... Petitioner
V/s.
Vasai Virar City Municipal Corporation ... Respondent.

Mr. B. P. Pandey i/by Vivek B.Pandey, for the
Petitioner.
Ms. Swati H. Sagvekar, for the Respondents.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 1st MARCH, 2018.

P.C. :

1] Heard learned counsel for the petitioner and learned
counsel for respondent.

2] By this petition, the petitioner is seeking following reliefs:-

“a) Rule be issued and records and proceedings may be called
for;

b) That the matter being Civil Misc. Application No.41 of 2017
pending in Court Room No.1 of the Hon'ble Civil Judge (junior
Division) Court at Vasai, Dist. Palghar presided over by HHJ
Shri H.A.H.I. Hashmi be transferred for hearing to any other
Presiding Judge of the Court of Civil Judge (Junior Division)
Court at Vasai, Dist.Palghar, in the interest of justice;

c) By a suitable writ, order or direction of this Hon'ble Court, it be pleased to quash and set aside the impugned orders 06/10/2017, passed below Exh.27. Exh.28, and Exh.29 in Civil Misc. Application No.41 of 2017 pending before the Court of Civil Judge Junior Division Court at Vasai, Dist.Palghar;

d) By a suitable writ, order or direction of this Hon'ble Court, it be pleased to quash and set aside the findings as recorded in the notes of evidence para 25 on dated 06/10/2017, paras 30 and 31 on dated 09/10/2017 and para 10 on dated 12/10/2017 as recorded in Civil Misc. Application No.41 of 2017 pending before the Court of Civil Judge (Junior Division) Court at Vasai, Dist.Palghar;

e). By a suitable writ, order or direction of this Hon'ble Court, it be pleased to quash and set aside the impugned orders 24/10/2017 and 25/10/2017 passed below exh.33 and 36 as well as below Exh.37, 38 and 39 passing in civil Misc. Application No.41 of 2017 pending before the Court of Civil Judge (Junior Division) Court at Vasai, Dist.Palghar.

3] Thus,it is clear that as regards prayer clause (b) which is for seeking transfer of Civil Misc. Application No.41 of 2017, pending in Court Room No.1 of the Civil Judge Junior Division at Vasai, Dist. Palghar, to any other Presiding Judge of the Court of Civil Judge Junior Division, Vasai, the Principal District Judge, having

jurisdiction to decide the said prayer under Section 24 of the Code of Civil Procedure and therefore, Writ Petition to the extent of that prayer is not maintainable.

4] As regards prayer clause (c), giving challenge to the impugned orders, learned counsel for the petitioner seeks leave to file separate writ petition, to challenge those orders.

5] In view thereof, this writ petition stands disposed of with liberty as prayed for.

6] It is submitted that during the pendency of this writ petition, this Court has granted stay to the proceeding before the trial court and the said stay be continued till the petitioner files fresh application under Section 24 CPC, before the Principal District Judge, for transfer of the proceeding. Accordingly, said stay is extended only for a period of three weeks with clarification that that said stay will not be extended further in any case.

[DR.SHALINI PHANSALKAR-JOSHI, J.]