

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISCELLANEOUS CIVIL APPLICATION NO.1429/2017

Smt. Kusumtai Wd/o Vinayakrao Deshmukh and another

..Vs..

Prabhakarrao Namdeorao Deshmukh through L.Rs. Smt. Mamta Wd/o
Prabhakarrao Deshmukh and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.A. Choube, Advocate for the applicants.

Ms. Falguni Badani, Advocate h/f Shri Ved R. Deshpande, Advocate for
the non-applicants.

CORAM : Z.A. HAQ, J.

DATE : 26.3.2018.

Heard.

By this application the applicants (respondents in appeal before the District Court) have prayed that Regular Civil Appeal No.100188/2015 pending before the Principal District Judge, Akola be transferred to the Court of District Judge - 2 at Akola. The grievance of the applicants is that the appeal is not being taken up for hearing and it is adjourned on every date, giving precedence to criminal matters. According to the applicants, looking to the fact that the applicant No.1 is a senior citizen this Court had granted prayer made on behalf of the applicants for early hearing by allowing Civil Application No.612/2015 when first appeal was pending before this Court. The proceedings of first appeal are transmitted to District Court pursuant

to the enhancement of jurisdiction of District Court.

After examining the matter, I find that the applicants have not made out any case for exercise of jurisdiction under Section 24 of the Civil Procedure Code and, therefore, the miscellaneous civil application is **dismissed**. In the circumstances, the parties to bear their own costs.

The applicants are granted liberty to file appropriate application before the learned Principal District Judge for expeditious disposal of the appeal, pointing out the grounds which necessitates the expeditious disposal of appeal.

JUDGE

Tambaskar.