

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9827 OF 2019

David Shamrao Gaikwad

...Petitioner

Versus

Shaikh Najir Mohd. Nasir & Ors.

...Respondents

.....
Mr. N.S.Jaju, Advocate for the Petitioner.

.....
CORAM : RAVINDRA V. GHUGE, J.

DATE : 07-08-2019.

PER COURT :

01. By this petition, the petitioner had prayed for transferring Special Civil Suit No. 46/2015, from one learned Judge at Ahmednagar to another learned Judge at Ahmednagar. The learned Principal District Judge, Ahmednagar has rejected such request by the impugned Order dated 26.2.2019.

02. This matter was heard for sometime and I made it clear to the learned Advocate for the petitioner that I would be taking a very serious view of this request, as in my view, such request would undermine the confidence of a judicial Officer and the trust and faith in the Judiciary.

03. The learned Advocate for the petitioner sought a pass over. After the matter was called out in the second half, he submitted that the petitioner would abide by the directions of this Court and seeks leave to withdraw the petition. As I had made it clear that the petitioner would have to tender an apology undertaking to the learned Judge, he has agreed to do so.

04. In view of the above, this petition is dismissed with the following directions :

(a) The petitioner shall tender his unconditional written apology alongwith his signature, addressed to the learned Judge Shri B.N.Chikane, to the learned Principal District Judge, Ahmednagar alongwith copy of this Order, on or before 21.8.2019, failing which, the defence of the petitioner in Special Civil Suit No. 46/2015, shall be struck off.

(b) After such an undertaking is tendered in the name of Shri B.N.Chikane, the learned Principal District Judge, Ahmednagar shall forward the said apology to Shri B.N.Chikane, wherever he may be presently posted as a Judicial Officer.

(C) The petitioner is warned that if he again

moves such an application, he would be liable to face contempt of Court proceedings and a heavy fine shall be imposed on him.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-