

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8789 OF 2019

Maimoona Abdul Karim & Anr. ... **Petitioners**
Versus
Zarina Abdul Rashid @
Zarina Abdul Karim & Ors. ... **Respondents**

.....

Mr.Shikur G. Kudle, Advocate for the Petitioners.

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CORAM : A.M.BADAR J.

DATED : 5th NOVEMBER 2019.

P.C. :

1 Order rejecting the application for transfer of suit from Court Room No.32 to any other Court on the ground that the Presiding officer of Court Room No.32 is doing undue favour to the defendant No.1 is challenged in the instant petition.

2 Heard the learned Counsel appearing for the petitioners. He submits that the application under Order VI Rule 17 of the Code of Civil Procedure was filed by the petitioners before the learned trial Court and though that application was not opposed by the contesting defendant, the learned trial Court had rejected the said application. Therefore, the learned Principal Judge ought to have transfer the suit to some other Court.

3 Even if it is considered that the application under Order VI Rule 17 of the Code of Civil Procedure came to be rejected by the learned trial Court erroneously, wrong judicial Order cannot constitutes ground for transfer of case from one Court to another Court.

4 The petition, as such, is devoid of merit and the same is, therefore, dismissed.

(A.M.BADAR, J.)