

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
WRIT PETITION NO.775 OF 2020

Nelson Francis Bugri .. Petitioner

Vs.

State of Maharashtra & Ors. .. Respondents

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Mr. V.R. Tripathi for the Petitioner.

Ms. Nisha Mehra, A.G.P. for the State.

Mr. Zuba Bubere with Ms. Iram Memon i/b Shoaib Memon for
Respondent No.5.

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**CORAM: PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATED : 28th JANUARY, 2020.

P.C:-

1. For the last ten minutes we have been grappling with learned counsel for the Petitioner, who is unable to state any facts which would be relevant to decide the Writ Petition.

2. From whatever learned counsel informs us, the grievance is that Respondent No.2 before whom an appeal was preferred

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against an order passed by Respondent No.5 cannot transfer the said appeal to the office of the Collector of Land Records, Thane on account of the fact that the property concerning which there is a dispute pending is in District Bombay.

3. The Writ Petitioners have challenged orders dated 6th July, 2018 and 15th July, 2019, none of which has been annexed with the Writ Petition.

4. It appears to be a case where Respondent No.6 has filed an appeal against an order passed by Respondent No.5 before Respondent No.2 and during hearing of the appeal, the Petitioner expressed an apprehension before Respondent No.2 of bias against Respondent No.2 resulting in Respondent No.2 transferring the appeal to Respondent No.3.

5. It being settled law that appeals within a District cannot be transferred by the Appellate Authority to his counterpart in another District, we dispose of the Writ Petition directing that the appeal filed by Respondent No.6 against the order passed by Respondent No.5 before Respondent No.2 would be heard by Respondent No.2.

6. We are unable to dictate in the present order the date of order passed by Respondent No.5 which has been challenged in

appeal before Respondent No.2 because neither counsel is able to tell us the date of the order. Similarly, we are unable to record the appeal number for the reason, neither counsel is able to tell us the appeal number and thus the generic order is passed.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)