

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

WRIT PETITION NO. 1674 OF 2020

Jalindernath Laxman Mhatre

...Petitioner

VS.

The State of Maharashtra and ors.

...Respondents

Mr. Arvind Aswani i/by J. G. Reddy for the Petitioner.

Mr. A.B.Kadam, AGP for Respondent Nos. 1 and 2.

Mr. Pratik Rahade i/by K. S. Patil for the Respondent Nos. 3 to 7.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th February, 2020

PC:

1. The principal grievance of the petitioner is that, if the appeal is going to be decided by the same Court who had earlier decided the appeal, before the matter was remitted back to the Appellate Court, the learned Judge would be bound by his earlier observations in the order.

2. There is no merit in the said grievance, inasmuch as, this Court has remanded the matter back to the Appellate Court and has directed the Appellate Court to decide the appeal afresh on its own merits. Admittedly, there are no allegations of bias or prejudice against the learned District Judge.

3. Considering the aforesaid, no ground is made out for interfering with the impugned order dated 6.1.2020 passed by the Principal District

Judge, Thane in Civil Misc. Application No.548 of 2019. Needless to state that, the learned Appellate Court will decide Civil Appeal No.235 of 2016 on its own merits, uninfluenced by its earlier order.

4. Petition is, accordingly, disposed of.

REVATI MOHITE DERE, J.