

IN THE HIGH COURT OF BOMBAY AT GOA**CIVIL REVISION APPLICATION NOS.2,3,4 & 5 OF 2020****CIVIL REVISION APPLICATION NO.2 OF 2020**

VISHNUDAS D. SADHALE APPLICANT

Versus

VINAYAK P. SHINKRE
(DECEASED) THR. LRS. RESPONDENTS

WITH

CIVIL REVISION APPLICATIONS NO.3,4 & 5 OF 2020

KASHINATH TIMA GAUDE AND ANR. APPLICANTS

Versus

PRADEEP VISHNU
SHINKRE AND 2 ORS. RESPONDENTS

Shri Nilesh Shirodkar, Advocate for the Applicants.

Shri P. Kakodkar, Advocate for the Respondent No.1.

Shri Jatin Ramaiya, Advocate for the Respondents No.2.

Coram:- DAMA SESHADRI NAIDU, J.

Date:- 10 February 2021.

ORAL ORDER :

Civil Revision Application No.2 of 2020 arises out of the reference proceedings under section 18 of the Land Acquisition Act, pending before the Ad hoc District Judge -1, FTC, Panaji. Civil Revision Application Nos.3 to 5 of 2020 arise out of the Panchayat Raj Act. In all these four cases, the petitioners wanted the proceedings transferred from the Ad hoc District Judge-1, FTC, Panaji to District Judge-2 at Ponda. For that

purpose, the petitioners applied under Section 24 of CPC. The Principal District Judge at North Goa, through a common order dated 25.11.2019, refused to transfer the cases.

2. Initially, all these cases were before the District Judge-2 at Ponda. But the learned Presiding Officer recused herself from hearing the matters because she had appeared for one of the parties when she had been practising. Then, the District Judge transferred the matters to the Ad hoc District Judge-1, FTC at Panaji.

3. Before the Ad hoc District Judge-1, FTC, Panaji, the petitioners pleaded for the Presiding Officer's recusal. Later, he invoked Section 24 of CPC.

4. The petitioners have cited, as the reason for transfer, that the Presiding Officer at the transferee Court practised along with the counsel for the respondents. Nevertheless, the District Court has assigned valid reasons and rejected the petitioners' applications for transfer. Aggrieved, the petitioners have filed these four Civil Revision Applications.

5. As rightly observed by the District Court, the recusal and transfer of any case from one judicial forum to another is a sensitive matter. I reckon it will suffice if I extract the District Judge's observations, at paras 3 & 4, in that regard :

“3. Transfer of a case from one Court to another is a very sensitive and delicate Issue which, in case of order of transfer, casts doubt either on the competence or integrity of the Judge. Unless litigant seeking transfer makes out a prima facie case to hold that the conduct of the Judge creates reasonable apprehension in his mind that he would not get justice, no order shall be passed transferring such cases.

4. In the case of *Charu K.Mehta v. Chetan P. Mehta*¹, the Hon'ble High Court has held that merely on allegations, order of transfer shall not be made. Power of transfer of the case from one Court to another under Section 24 of CPC, is very wide, however, while exercising such powers, the Court itself must look into the ground taken for justifying transfer.”

6. In *John Patrick Liteky v. United States*², the US Supreme Court has observed that litigants often seek disqualification based upon a judge's prior participation, in a judicial capacity, in some related litigation. Those allegations are meritless in most instances, and their prompt rejection is important so the case can proceed. If faithful to their oath, judges approach every aspect of each case with a neutral and objective disposition. They understand their duty to render decisions upon a proper record and to disregard earlier judicial contacts with a case or party.

7. In fact, *Liteky* aptly summarises what the petitioners here had sought and what the learned District Judge justly rejected. So I see no reason to interfere with the District Judge's discretion in dismissing the transfer applications.

I, therefore, dismiss all the four Civil Revision Applications with no order as to costs.

DAMA SESHADRI NAIDU, J.

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²2510 US 540 (1994), as quoted in *Indore Development Authority (Recusal Matter 5) v. Manohar Lal*, (2020) 6 SCC 304.