

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

PUBLIC INTEREST LITIGATION NO. 123/2018.

Rahul Ramchand Kishnani and another. Petitioners.

-VERSUS-

Union of India and others. Respondents.

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Shri S.S. Dewani, Advocate for the Petitioners.

Shri U.M. Aurangabadkar, A.S.G.I. for the Respondent No.1.

Shri A. Madiwale, Assistant Government Pleader for the
Respondent Nos.3 and 4.

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**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATE : 17 FEBRUARY 2021.

P.C.

Heard the learned Counsel for the Parties.

2. This petition is filed by two practicing Advocates from the City of Nagpur. When the Public Interest Litigation was filed on 17 September 2018, the Petitioners had challenged various provisions of *the Commercial Courts, Commercial Division and Commercial*

Appellate Division of High Courts (Amendment) Act, 2018. Notice was issued and petition has come up on board today.

3. The learned Counsel appearing for the Petitioners fairly states that as the Act has now been brought in force, the Petitioners, the Advocates, are not pressing their challenge regarding the validity of the provisions, however, they wish to project certain practical difficulties faced by the Advocates and litigants in the city of Nagpur in respect of functioning of the Commercial Courts. The learned Counsel for the Petitioners submits that at present there is only one Commercial Court notified in the City of Nagpur and all commercial matters, including the Arbitration matters are assigned to one Commercial Court Judge and the said Court is over burdened. He seeks to rely upon the statistics to demonstrate this position.

4. Reply affidavit is filed by the Legal Advisor-cum-Joint Secretary, Law and Judiciary Department of Respondent No.3 stating that the Courts are constituted considering the pending cases in a particular jurisdiction and the Commercial Courts are constituted on proposal to that effect moved by the High Court. It is stated that the State may constitute more Commercial Courts if proposed by the High Court.

5. That being a stand taken by the State, we deem it appropriate to give liberty to the Petitioners to make a representation

to the High Court on its administrative side setting forth the difficulties as orally advanced before us. Granting this liberty to the Petitioners, the Public Interest Litigation is disposed of.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Rgd

**Rakesh
Dhuriya**

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by Rakesh
Dhuriya
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2021.02.24
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