

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

983 MISC.CIVIL APPLICATION NO.46 OF 2022

**RAJDHAR DADA AHIRRAO
VERSUS
SUKLAL TRAMBAK MALI**

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**Advocate for Applicant : Mr.Mohit S. Shah
Advocate for Respondents : Mr. Shantanu A. Deshpande**

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 10.11.2022

PER COURT :

Heard rival submissions. The applicant, who is the defendant in Special Civil Suit No. 57/2020 is seeking transfer of the said suit from the Court of learned Civil Judge Senior Division, Dhule to learned Civil Judge Senior Division, (City) Dindoshi on the ground that he is suffering from multiple health issues and the doctor advised him to avoid long distance travelling to prevent further deterioration and to avoid knee surgery in future.

2. On the contrary, the learned counsel for the respondent, who is the plaintiff in the aforesaid suit has strongly opposed the application on the ground that the said suit cannot be transferred merely on the basis of fake medical certificate.

3. The record indicates that the suit which is sought to be transferred from Dhule to Dindoshi is at the stage of recording evidence. Further, it appears that the applicant has not undergone any knee transplant operation till today. By fixing an appropriate date as per the convenience of the applicant, the recovery suit pending at Dhule can be disposed of at the earliest. In view of the same, I am not inclined to grant the application of the applicant at this juncture. Hence following order is passed :

ORDER

1. The application is hereby rejected.
2. No order as to costs.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-