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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

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VASANT ANANDRAO
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Date: 2022.06.18
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WRIT PETITION NO.7053 OF 2022

Sameer D. Wankhede

...Petitioner

V/s.

State of Maharashtra & Ors.

...Respondents

Dr.Veerendra Tulzapurkar, Senior Counsel with Mr.Aseem Naphade and Mr.Saurabh Utangale i/b Mr.Bhushan R. Mahadik & Mr.Divakar Rai for the Petitioner.

Mr.P.P. Kakade, Government Pleader and Mr.P.G. Sawant, AGP for the State – Respondent Nos.1 and 2.

Mr.R.K. Mendadkar for the Respondent No.3.

CORAM : R.D. DHANUKA &
MADHAV J. JAMDAR , JJ.
DATE : 16TH JUNE, 2022.

P.C. :-

1. Mr.Mendadkar, learned counsel for the respondent no.3 raises preliminary objection of the maintainability of this petition on the Appellate Side on the ground that the entire cause of action has arisen within the territorial jurisdiction of the Original Side of this Court.

2. A perusal of the averments made in paragraph 13 of the writ petition indicates that the entire cause of action has arisen at Mumbai. Learned counsel for the respondent no.3 is right in his

objection. We accordingly grant leave to the petitioner to make appropriate amendment to this petition. We direct the office of the Appellate Side to transfer this petition on the Original Side after appropriate amendments in this petition are carried out. The amendment to be carried out within two days from today.

3. Mr.Kakade, learned Government Pleader for the respondent nos.1 and 2 seeks adjournment till 28th June, 2022. He however informs that the next date of hearing before the respondent no.2 Committee is 20th June, 2022.

4. Since the respondent nos.1 and 2 are seeking time beyond the scheduled date of hearing fixed by the respondent no.2, if any application for adjournment is made by the petitioner, the respondent no.2 Committee shall grant adjournment till 11th July, 2022.

5. Place the matter on board on 4th July, 2022. Affidavit in reply, if any, shall be filed by the respondent no.1 and 2 and by the respondent no.3 within two weeks from today with a copy to be served upon the petitioner's advocate simultaneously. Rejoinder, if any, shall be filed within one week thereafter.

6. Place Writ Petition (Stamp) No.11355 of 2022 also on board along with this writ petition. Leave is also granted in that writ petition to the petitioner to apply for transfer of the said petition on

the Original side. If the amendments are carried out within three days from today, Office is directed to transfer Writ Petition (Stamp) No.11355 of 2022 from Appellate Side to Original Side, to be heard along with this writ petition on the same date.

(MADHAV J. JAMDAR, J.)

(R.D. DHANUKA, J.)