

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

WRIT PETITION NO.694 OF 2022

Tulsiram s/o Late Dr. Kruparam Pande Vs. Smt. Shobha Wd/o Vijayram
Pande and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Shri V.V. Bhangde, Advocate for petitioner.
Shri P.D. Sharma, Advocate for respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 14th FEBRUARY, 2022

The petitioner herein has challenged the order dated 08.10.2021 whereby the learned Principal District Judge, Nagpur, has dismissed the Civil M.A. No.435 of 2021 for transfer of Special Civil Suit No.608 of 2020 from the Court presided over by Smt. V.B. Gore, Civil Judge, Senior Division, Nagpur to the Court presided over by Smt. S.N. Shah, Joint Civil Judge, Senior Division, Nagpur.

2. Heard learned counsel for the petitioner and learned counsel for respondents and I have perused the record.

3. The petitioner has sought transfer of the suit only on the ground that the learned Judge Smt. S.N. Shah had heard the arguments on application at Exhibits-5, 24, 31 and 33 in Special Civil Suit No.608 of 2020 on 25.02.2021 and 01.03.2021 and posted the matter for orders

on 08.03.2021. The record reveals that no orders were passed on Exhibits-5, 24, 31 and 33, on 08.03.2021 and on the adjourned date i.e. 30.03.2021. Subsequently the learned Judge has been transferred and Smt. V.B. Gore has been posted as Civil Judge, Senior Division, Nagpur. The learned Judge while dismissing the application has taken note of the fact that considerable time has lapsed since learned Judge Smt. S.N. Shah had heard the matter and that she will have to rehear all the applications. The learned Judge has observed that transfer the suit cannot be permitted solely on the ground that the Judge had earlier heard the arguments. There is no illegality and irregularity in the said order. The petition has no merits and is accordingly dismissed. No order as to costs.

JUDGE

Wagh