

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.218 OF 2023

PIE DADE COLACO AND ANR

... PETITIONERS

Versus

REMEDIOS AGNELIO FRANCISCO

RODRIGUES AND 26 ORS

... RESPONDENTS

Mr. Byron Rodrigues, Advocate for the Petitioners.

CORAM:- M. S. KARNIK, J.

DATED :- 6th April, 2023

P.C.

Heard learned Counsel for the Petitioners.

2. In this Petition, a challenge is raised to the Order dated 01.11.2022 passed by the learned Principal District and Sessions Judge, South Goa, Margao, rejecting the application made by the Petitioner for transferring the case to be heard by some other Judge.

3. An apprehension is expressed that the Petitioners might not get a fair and proper trial as the learned Judge was the chamber colleague of the Respondents' Advocate. In support of his submissions, learned Counsel for the Petitioners relied upon the decision of the Delhi High Court in the case of Aditi Bakht vs.

Abhishek Ahuja [2022 SCC ONLINE DEL 1720].

4. With the assistance of learned Counsel for the Petitioners, having gone through the decision of Aditi Bakht vs. Abhishek Ahuja (supra), I am of the opinion that the observations made were in the fact situation in that particular case and hence not applicable. So far as the present matter is concerned, except for expressing an apprehension that the Petitioner may not get justice as the learned Judge was the chamber colleague of the Respondents' Advocate, there is nothing placed on record to proceed on the premise that there is reasonable apprehension of bias.

5. I do not see any error in the view taken by the learned Principal District and Sessions Judge while rejecting the application of the Petitioner for transfer of the proceedings. Rejected. No costs.

M. S. KARNIK, J.