

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVISION APPLICATION NO.30 OF 2023

ARUN KUMAR SHARMA

... Applicant

Versus

ANANDRAO V. CHATIM AND 3 ORS

... Respondents.

Mr. Arun Kumar Sharma, Party in person.

Ms S. Kenny, Advocate for Respondents No.1 and 2.

CORAM: BHARAT P. DESHPANDE, J.

DATED: 28th November, 2023

P.C:

1. Heard Mr. A. Sharma in person and Ms. S. Kenny, learned Counsel appearing for respondents No.1 and 2.

2. By way of the present revision application, the petitioner is challenging the order passed by the learned Principal District Judge in Civil Misc. Application No.127 of 2023 dated 20/10/2023. The learned Principal District Judge rejected the application for transfer of Civil Suit No.7 of 2019 from the file of District Judge-II, Mapusa to the file of District Judge-I, Mapusa.

3. Mr. Arun Sharma would submit that after filing of the transfer application before the learned Principal District Judge, the atmosphere in the Court of District Judge-II becomes hostile and respondents No.1 and 2 are unnecessarily adjourning the matter. The cross-examination of the applicant was going on and it is completed recently and the second witness of the plaintiff will be examined.

4. Ms. S. Kenny appearing for respondents No.1 and 2 would submit that the applicant is in the habit of filing frivolous applications before the Trial Court as well as before this Court and no ground is set out in the present application to interfere with the order of the learned Principal District Judge.

5. On perusal of the application vide Civil Misc. Application No.127 of 2023, the only ground which was raised is that one matter is pending before the learned District Judge-I whereas Civil Suit along with other Misc. proceedings which are pending before District Judge-II, Mapusa. It was further his contention that in order to avoid conflicting judgments and since District Judge-I, Mapusa is hearing the injunction application, the matter be transferred to District Judge-I.

6. While disposing of such application, the learned Principal District Judge has observed that Civil Suit and other Misc. Civil Applications are pending with District Judge-II, Mapusa whereas only one matter is pending with District Judge-I.

7. Mr. Arun Sharma now points out that the matter pending before the District Judge-I, Mapusa is already disposed of.

8. Thus, the reason for seeking transfer of the matters before the single Court is now no longer exists.

9. The directions to dispose of the Civil Suit in a time bound matter are already issued by this Court in Writ Petition No.135 of 2023 decided on 24/04/2023.

10. Mr. Sharma now submits that after filing of the transfer application before the learned Principal District Judge, the atmosphere in the Court of District Judge-II becomes hostile. In this respect, he points out the ground mentioned in paragraph No.18 of his revision application.

11. On perusal of the contents of paragraph 18, the only contention is that extension of time to dispose of the matter was granted and there is possibility of further extension. He also pointed out that the matter has been adjourned on flimsy grounds and in fact on one occasion it was adjourned because of power failure. Besides this the applicant claimed that he has been cross-examined at length and such cross-examination is running into more than 130 pages.

12. Both these submissions are not sufficient enough to consider the transfer of the civil suit. These grounds were not raised before the learned

Principal District Judge. Even otherwise, directions are given by this Court to dispose of the civil suit.

13. Today by order passed in Writ Petition No.135 of 2023 further time to dispose of the matter was granted on the basis of the reasons found in the letter of Presiding Officer of District Judge-II, Mapusa.

14. It is necessary for both the parties to cooperate with the Trial Court for the purpose of disposal of the said civil suit. Unnecessary adjournment should be curtailed.

15. The impugned order is therefore needs no interference. However, it is made clear that the Trial Court shall adhere to the timeline given for the disposal of the civil suit.

16. Considering the above circumstances, civil revision application stands disposed of in the above terms.

17. Parties shall bear their own costs.

BHARAT P. DESHPANDE, J.

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