

Nikita

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11010 OF 2023

Rahul Rajendranath Khanna

... Petitioner

V/s.

Commander Sarath Manari Gopinathan
and Ors.

... Respondents

NIKITA
KAILAS
DARADE
Digitally signed
by NIKITA
KAILAS DARADE
Date: 2023.09.05
17:33:22 +0530

Ms Anita Bhaktwani for the Petitioner.

Mr. Sarath Manari Commander Respondent No.1,
present in person.

Mr. Sangharaj D. Rupavate a/w Mr. Sameer Walhe a/w
Mr. Milind A. Ingole for Respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 5, 2023

P.C.:

1. Challenge in this petition is to the order passed by the Principal District Judge Thane, dated 19th July 2023, in C.M.A. No.166 of 2023. Refusing the transfer of matter in exercise power under Section 24 of Code of Civil Procedure 1908.

2. The learned advocate for the petitioner submits that the day in and day out perverse orders are being passed by the Trial Court, which raises apprehension in the mind of the petitioner that the Court is biased against him.

3. It is well settled that passing of illegal order does not necessarily lead to the inference that the Court is biased. Moreover,

the learned Principal Judge has considered the matter in detail. Relying on several precedents, the Principal District Judge has held that there is no ground made out by the petitioner to exercise power under Section 24 of Code of Civil Procedure, 1908.

4. The reasons assigned by the Principal District Judge, cannot be termed as perverse.

5. Hence, the writ petition is dismissed. No costs.

(AMIT BORKAR, J.)