

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

WRIT PETITION NO.1856 OF 2021

Sadhna Panchamlal Nirmal

.. Petitioner

Vs.

The State of Maharashtra,

Through Chief Secretary and Ors.

.. Respondents

Mr. Prashant Aher, with Mr. Vipul Patil, for the Petitioner.

Ms. M.P. Thakur, AGP for Respondent No.1-State.

**CORAM : A.S. CHANDURKAR &
M.W. CHANDWANI, JJ**

DATE : 6TH FEBRUARY, 2023.

P.C. :

1. The petitioner has invoked jurisdiction of this Court under Article 226 of the Constitution of India, claiming compensation on account of death of the petitioner's husband in an accident that is claimed to have occurred on account of the pothole on the road when he was traveling in his auto-rickshaw.

2. The learned AGP for respondent no.1-State raises an objection to the maintainability of the Writ Petition on the Appellate Side. It is submitted that since the entire cause of action has arisen within the city of Mumbai, the proceedings are required to be filed on the Original Side.

3. Leave granted to the petitioner to convert the present proceedings as a Writ Petition filed on the Original Side.
4. After such conversion, issue notice to the respondents, returnable on 6th March 2023. Learned AGP waives notice for respondent no.1-State.
5. S.O. to 6th March 2023.

[M.W. CHANDWANI, J.]

[A.S. CHANDURKAR, J.]