



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.6319 OF 2023

Namdev Mahadevrao Nandane .Vs. Ramesh Mahadevrao Nandne and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.A. Bagde, Advocate for petitioner.

CORAM : ANIL S. KILOR, J.

DATED : 21/09/2023

1. The order dated 25.07.2023 passed by the Civil Junior Division, Warud, is under challenge in this writ petition, which reads thus:

“On perusal of the case it seems that the matter is fixed for final argument of the respective parties. The defendant moved application before the Hon’ble Principal District-Judge Amravati for transferring matter in any court. If the matter decided on merit, the purpose of transferring matter would be frustrated. Therefore, it would be proper to keep matter on argument stage till the passing of order by the Hon’ble Principal District Judge, Amravati.”

2. After going through the order, I am of the opinion that, the petitioner could have approached to the learned Principal District Judge, Amravati in the application moved by the respondent for transfer of the matter, for getting the said application decided at the earliest by pointing out to the learned Principal District Judge that the Court is not proceeding in the matter because of pendency of the application for transfer, even though there is no stay.

3. In the circumstances, I am not inclined to interfere or show any indulgence in the matter. Accordingly, the writ petition is **dismissed**.

4. Liberty is granted to the petitioner to move before the learned Principal District Judge, Amravati in the application for transfer pending before him and make a request for decision in the said matter expeditiously.

5. In case, such application is filed, the learned Principal District Judge shall consider it expeditiously.

JUDGE