



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

MISC. CIVIL APPLICATION (Review) no. 993 of 2024

in

MISC. CIVIL APPLICATION (Tr) NO. 513 OF 2024 (d)

DR. GOPAL S/o RANILAL BHUTADA

VERSUS

DR. JASMINE W/o GOPAL BHUTADA

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

Court's or Judge's Order

Mr. P. S. Wathore, Advocate for the applicant.

CORAM : G. A. SANAP, J.

DATE : DECEMBER 20, 2024.

1. Heard Mr. P. S. Wathore, learned advocate for the applicant.
2. This is an application seeking review of the order dated 25.10.2024 passed by this Court in M.C.A. No. 513/2024, whereby the application for transfer made by the applicant has been rejected.
3. It is submitted that in the order dated 25.10.2024, it has been observed that the order passed by the Family Court rejecting his application for transfer was also challenged in this application. It is submitted that in fact, the order was not challenged. It was a simple application under Section 24 of the Code of Civil Procedure, 1908. It is also submitted that the observations made in the order suggest that as if this order was questioned before this Court and on that premise the application was decided.

4. I have gone through the review application. Perusal of the order would show that as per the order dated 25.10.2024, the transfer application was rejected. Learned advocate for the applicant was absent. Perusal of the observations in the order indicate that considering the observations made by learned Principal Judge of the Family Court with regard to the delaying tactics, a satisfaction has been recorded by this Court that this application was nothing but one more attempt to protract the litigation. A statement was made in the application with regard to the order passed by the Principal Judge, Family Court rejecting the application. It, therefore, cannot be assumed that this Court was sitting in appeal against the said order and in that context made those observations.

5. On going through the application, I do not see that there is any error or mistake apparent on the face of the record. The applicant failed to take care of his transfer application when it was listed before the Court for hearing. This Court while appreciating the submissions of the learned advocate for the non-applicant has considered the observations made by the Family Court that the applicant was adopting the delaying tactics. After taking note of this fact, the application was rejected.

6. I do not see any substance in the review application. The application is accordingly rejected. No costs.

(G. A. SANAP, J.)