

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15480 OF 2025

Anil Ramkrishna Bhabad

..Petitioner

Versus

Balkrishna M Bodke Since Dec through Legal
Heirs

...Respondent

Mr. Anil Ramkrishna Bhabad, Petitioner in person.

CORAM: N. J. JAMADAR, J.

DATE : 24th NOVEMBER 2025

ORDER:

1. Heard the Petitioner in person.
2. The Petitioner assails an order dated 18th July 2025 passed by the learned Principal Judge, City Civil Court, whereby an Application preferred by the Petitioner for transfer of the Civil suit from the Court No. 81 to another Court, came to be dismissed.
3. The Petitioner submitted that in connection with the disputes with the parties to Suit No. 9086 of 1994, other proceedings are pending before the Courts and Authorities at Nashik. The learned Judge City Civil Court seized with the Suit No. 9086 of 1994, has been posting the suit in quick succession. On one and the same day, the proceedings

before the Courts and Authorities at Nashik and the instant Suit are being posted.

4. Resultantly, the Petitioner who suffers from certain ailments has been finding it difficult to attend to the proceedings before the different forums on the same day. Therefore, the Petitioner had requested the learned Judge to give reasonable accommodation to the Petitioner; which has been unjustifiably declined. The Petitioner had thus approached the learned Principal Judge, City Civil Court seeking transfer.

5. By the impugned order, the learned Principal Judge, City Civil Court rejected the Application opining that, the manner in which the board should be arranged is within the province of the authority of the Presiding Officer of the concerned Court and a litigant cannot insist that his matter be listed on a particular day. Thus, the refusal to list the matter on a particular day cannot be a ground for transfer of the proceeding.

6. Having regard to the nature of the grievance of the Petitioner, the impugned order does not merit any interference. The Court cannot lose sight of the fact that the Suit is instituted in the year 1994. It is more than 30 years old. The Suit being in the list of cases to be disposed of on priority, the learned Judge, City Civil Court is justified in not granting liberal and long adjournments.

7. The Petitioner made a further grievance that after the Petition came to be filed, the learned Judge, City Civil Court has listed the matter on 1st December 2025 by preponing the date from 8th December 2025. A copy of the roznama has been served on the Petitioner. It records that if the Plaintiff failed to conduct the matter, it would be disposed of. The Petitioner thus has an apprehension that if he does not appear on 1st December 2025, the Suit would be disposed.

8. Perused the roznama of the Suit dated 18th November 2025. The learned Judge, City Civil Court has recorded the fact that the Suit is more than 30 years old and, therefore, for expeditious disposal, it was required to be preponed to 1st December 2025.

9. Though the Court is not inclined to interfere with the impugned order passed by the learned Principal Judge, yet, in view of the fact that the Petitioner appears in person, the Court considers it appropriate to request the Judge, City Civil Court not to dispose of the Suit on 1st December 2025, and post the matter on 8th December 2025, in the event the Petitioner finds it difficult to appear before the Court on 1st December 2025.

10. The learned Judge, City Civil Court, may also consider to post the suit, as far as possible on such dates, on which the proceedings are not listed before the Courts and Authorities at Nashik.

11. It is clarified that this would be only by way of indulgence, and the Petitioner shall not have a right to seek the listing of the matter on a particular day, on any count whatsoever.

12. Subject to the aforesaid clarification, the Petition stands dismissed.

[N. J. JAMADAR, J.]