



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

CIVIL APPLICATION (W) NO.1693/2025 IN WRIT PETITION NO. 2543/2025

(RAJNESH RAJENDRAPAL NAIDU *VERSUS* NEHA RAJNESH NAIDU (JOSHI))

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Applicant-petitioner in person.
Shri A.P. Pande, counsel for the respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : NOVEMBER 20, 2025

Heard.

2. This is an application filed by the petitioner for change of Bench on administrative grounds with the prayers which are reproduced below:-

- “a. To allow this application;*
- b. To pass appropriate orders for the original Petition No.Writ Petition (Civil) No.2543 of 2025 to be transferred and heard before the bench comprising of Hon’ble Justice Anil Pansare, either in Single Bench or Divisional Bench.*
- c. Any other relief in the interest of Hon’ble Justice to uphold the fundamental rights of the minor child Master Yunay Rajnesh Naidu and for the well-being and welfare of the minor child, which are of paramount importance.”*

3. The applicant, who appears in person, submitted that this is a complex matter concerning mental and emotional health and welfare and wellbeing of the minor child. He submitted that the writ petition was earlier extensively heard by another Judge

(Hon'ble Shri Justice Anil L. Pansare) and since the minor son of the parties was interviewed and the matter was listed for final arguments, the same be transferred and heard by the same Judge. He submitted that considering the issue of welfare and wellbeing of the minor child, the Court should exercise the *parens patriae* jurisdiction and the matter be transferred by this Court to the Judge, who had earlier heard the matter.

4. In response to this application, the non-applicant filed her reply dated 05.08.2025. Shri A.P. Pande, learned counsel for the non-applicant opposed the application and submitted that the prayer for change of Bench and request for allotment of the matter to the particular Judge cannot be prayed by the parties. He submitted that this is an attempt of Bench hunting. He submitted that the application seeking transfer of the matter to the particular Judge as prayed by the applicant cannot be granted by this Court as it is the prerogative of the Hon'ble the Chief Justice. He submitted that the matter be listed according to the roster and therefore prayed that the application be rejected.

5. It has to be seen that when the writ petition was listed before this Court, instead of making any submissions on merits, the applicant-petitioner made an oral request for passing orders to change the Bench and transfer the matter to the other Bench as prayed in the civil application. Since the oral request made by the

petitioner was not considered by this Court, he sought time to file a written application and accordingly the application under consideration was filed. After the application was filed by the applicant containing request for transfer of the matter and change of Bench, the Registrar (Judicial) of this Court has sought for the response of the non-applicant. The non-applicant appeared before the Registrar (Judicial) and refused to grant consent for change of Bench and pointed out that she has filed her detail reply dated 05.08.2025. On the basis of this, the Registrar (Judicial) prepared a report dated 06.08.2025 by observing therein that there is no joint written request by the parties and in view of Note No.7 contained in the Sitting List with effect from 09.06.2025 (Partially Modified 21.07.2025), he stated that the matter cannot be transferred to another Bench in view of this Note.

6. The applicant was granted an opportunity to go through the report and advance his submissions. Thereafter the applicant by relying upon Rule 8 of Chapter I of the Bombay High Court Appellate Side Rules, 1960 (for short, 'the Rules of 1960') submitted that the matter may be transferred by this Court as prayed by him vide his application. The counsel for the respondent/non-applicant opposed this request and submitted that Rule 8 Chapter I of the Rules of 1960 is not at all applicable for seeking transfer as prayed by the applicant.

The applicant invited attention of this Court to the order dated 20.06.2025 passed by this Court, which is reproduced below:-

“In compliance to order dated 18/6/2025, the child, viz. Yunay, was produced before me. I had interaction with him for good time.

2. At this stage, I do not feel it necessary to disclose result of the interaction. For the time being, I'll request both the parties to suggest name of expert/s in the field to whom the child could be referred for the purpose of assessment of symptoms that may require the child to undergo Parental Alienation Syndrome test.

3. List on 1/7/2025.”

In view of this, it is submitted that the matter be transferred to the same Judge.

7. It is pertinent to note that the applicant has prayed for change of Bench and transfer of this petition to another Bench as prayed *vide* Prayer Clause (b) referred above. The provision of Rule 8 Chapter I of the Rules of 1960 is a provision for reference of a matter to the larger Bench when Bench of same strength of particular Court do not agree with the view of Coordinate Bench of the same strength. As such Rule 8 Chapter I of the Rules of 1960 is not applicable in the instant case. The prayer made by the applicant to transfer the matter before another Bench cannot be entertained since it is the prerogative of the Hon'ble the Chief Justice of Bombay High Court to transfer or allot any matter to a particular Judge. The applicant is at liberty to submit appropriate application as is permissible in this regard.

8 In view of aforesaid, the application deserves to be rejected and the same is rejected.

(PRAFULLA S. KHUBALKAR, J.)

APTE