

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3332 OF 2026

Kishore Tulshiram Mantri ...Petitioner
Versus
Dilip Janak Mantri and Ors ...Respondents

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Mr. Satchit Bhogle i/b. Mr. Vishal Tambat, for the Petitioner.
Smt. Seema Sarnaik, Senior Advocate, i/b. Mr. Anuj Tiwari, for
Respondent Nos. 1 to 4 and 10.

CORAM: N. J. JAMADAR, J.
DATED: 11th MARCH, 2026

Oral Order:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 19th March, 2025 passed by the learned Principal District Judge, Nashik, whereby the Final Decree No.7/2019 came to be transferred from the Court of Civil Judge, Senior Division, Nashik Road to the Court of Joint Civil Judge, Senior Division, Nashik, for disposal in accordance with law.
3. Though the order is purported to have been passed by the learned Principal District Judge on the administrative side, yet, from the perusal of the order, it appears that the learned Principal District Judge adverted to the submissions canvassed by Advocate Smt. K. T. Mantri. If the powers under Section 24

were to be exercised on the application of a party to the proceeding, the proper course would have been to issue notice to the opponents and, thereafter, decide the prayer for transfer of the proceedings. Thus, by an order dated 28th July, 2025, this Court had granted an ad-interim relief and stayed the execution and operation of the impugned order.

4. Though the propriety of the procedure may be debated yet the fact remains that the final decree proceeding was instituted in the year 2019. By order dated 1st July, 2024 in WP/2526/2023, this Court has directed the Executing Court to proceed with the execution proceedings in accordance with law without any further delay.

5. The Court is informed that the learned Judge to whose Court the final decree proceeding came to be transferred by the impugned order, no longer presides over the Court at Nashik. Resultantly, the final decree proceeding would be required to be heard *de novo*.

6. In these circumstances and having regard to the age of the parties and the direction for expeditious hearing of the proceeding and the fact that the Nashik and Nashik Road are twin cities, this Court is not inclined to interfere with the order

of transfer, though the propriety of the procedure may be debated.

7. The Court of Civil Judge, Senior Division, Nashik, seized with Final Decree No.7/2019, is thus requested to hear and decide the Final Decree proceedings as expeditiously as possible and in accordance with law.

8. The petition stands disposed.

[N. J. JAMADAR, J.]