



ORDER BELOW EXH. 9 IN L.A.R. NO. 118/2019

Read the application. Perused record. Heard the learned counsel for the claimant Shri. S. S. Ali at length.

2. He argued that in view of office order passed by District and Sessions Court, Aurangabad dated 23.01.2018 the present L.A.R. No. 118/2019 be transferred.

3. Record disclose that the learned counsel for the claimant filed pursis Exh. 8 on 05.04.2023 and inform the court he intent to file the transfer petition in the District and Sessions Court, Aurangabad therefore not intent to conduct the case before this court.

4. In view of pursis Exh. 8 and submission made by the learned counsel for the claimant the matter was adjourned from time to time, but he has not made any application for transferring this case to the Hon'ble District and Sessions Court, Aurangabad. As the learned counsel for the claimant failed to transfer this matter therefore at last this court, on 20.06.2023 passed an order below Exh. 1 directing the claimant to proceed with the matter.

5. Today, the learned counsel for the claimant has filed this application and prayed to transfer the matter on the basis of office order dated 23.01.2018 passed by Hon'ble District and Session Court Aurangabad.

6. If minutely gone through the contents of present application and office order passed by Hon'ble District and Session Court, Aurangabad. It appears that the contents of application nowhere disclose the present proceeding and the proceeding pending in any other court is in between the same parties. It nowhere disclose the nature of present proceeding, relief claimed therein are one and the same pending proceeding in other court. In the absence of it mere prayer made by the learned counsel for the claimant for transfer of the present matter cannot be considered, in view of office order passed by Hon'ble District and Session Court Aurangabad on dated 23.01.2018.

7. If considered this fact it appears that it is nothing but an effort on behalf of learned counsel of claimant to prolong the matter on the ground of making vague application for transfer of this case. Further it appears that the learned counsel for the claimant instead of making an application to the Hon'ble District and Sessions Court Aurangabad for transferring of this case to any other court is interested in keeping the matter pending before this court on the ground of transfer of this case. Which is not permissible, in these circumstance the prayer made by the learned counsel for the claimant for transfer of this case is required to be reject. Hence rejected. The matter proceed further.

Place : Vaijapur.
Date : 10.08.2023

[R. M. Nerlikar]
Civil Judge, Sr. Div.
Vaijapur

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original Order.

Name of the Stenographer	: Prasad Purushottamrao Joshi, [Stenographer Grade-II]
Name of the Court	: Civil Judge, Senior Division, Vaijapur
Date of Order	: 10.08.2023
Order signed by the Presiding Officer	: 10.08.2023
Order uploaded on	: 10.08.2023