

	<u>ORDER BELOW EXH.NO.1 IN CIV. M.A. (T.P) NO. 56/2026.</u> <u>(Lelavati + 1 Vs. Omprakash & Ors.)</u> <u>CNR No. MHLA010006502026</u>
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Applicants have filed present application to transfer RCS No. 72/2021 from the C.J.J.D. Nilanga to any other Court at Latur, as per the provisions of Section 24 of C.P.C.

2. Heard learned Adv. V.G.Shanke for applicant. Nobody appeared for non-applicants, after due service of notices, hence, case is proceeded ex-parte against them. Perused the application and affidavits of the witnesses.

3. Learned advocate for applicant submits that they used to run one canteen in the court premises, all the non-applicants destroyed said canteen illegally, hence, applicants have filed civil suit for getting compensation of Rs. 3,00,000/-, but non-applicants either directly or through other persons are creating pressure on applicants to withdraw the suit, non-applicant No. 1 is an advocate by profession, he is having influence in the Nilanga city, applicant wanted to examine some witnesses, but due to the threats of non-applicants, witnesses are not ready to come in the court, due to which it is not possible to proceed with the matter in the said court, hence, their suit may be transferred to any competent court at Latur.

4. On perusal of Section 24 of C.P.C. it appears that power of transfer of a civil suit is entrusted upon the singular, broad spectrum criterion of being 'expedient for the ends of

justice'. The power of transfer is not an administrative routine but a discretionary judicial function. The power of transfer is to be exercised sparingly and only in exceptional circumstances. Transfer of proceedings cannot be ordered on the basis of mere apprehension, surmises or dissatisfaction of a party.

5. In the light of above settled principle of law, now let us see as to what material has brought on record by applicants to transfer their suit from Nilanga to Latur.

6. In the application, there is a reference that some other persons have been creating pressure on applicant to withdraw the matter, but surprisingly, name of the said persons are not mentioned in the application, which is very important.

7. On perusal of application, it appears that allegations in the application are in general nature, which are vague in nature, there is no reference as to which witnesses, applicant wants to examine and when alleged threats came to be given to witnesses.

8. At the time of hearing, when this court had made queries about the name of witnesses, to whom threats were given, then learned advocate for applicant sought time and filed affidavits of 4 persons i.e. Laxmikant Shelar(Exh.10) applicant No. 2, Mohan Kshirsagar (Exh.11), Suman Dange (Exh.12) and Minakshir Kshirsagar (Exh.13). On perusal of said affidavits, it appears that there is reference that incident of threat took place on 08.12.2025 at the gate of Nilanga court and at that time all of them were present.

9. It is pertinent to note that above deponents have also filed affidavits in Crim.M.A.No. 21/2026, vide Exh.12 to 15, in which there is a reference of date of incident i.e. 08.12.2025, but there is no reference that at the time of alleged incident, Suman Dange, Minakshi Kshirsagar, Mohan Kshirsagar and Laxmikant Shelar were present and they saw the incident. If really, any such incident had been occurred then reference of the same must have been reflected in the affidavits filed by them in Cri.M.A.No.21/2026. In view of above, affidavits filed by applicant No. 2 and said witnesses creates doubt on the truthfulness of contents of their affidavits.

10. It is pertinent to note that Mohan Kshirsagar is journalist by profession and it is not so easy for any person to give threat to any journalist, as in case of any untoward incident, journalist knows where to approach and how to approach to get justice.

11. Record indicates that alleged incident of destroying canteen took place on 25.08.2017, whereas civil suit came to be filed in the year 2021. If really, non-applicants wanted to create pressure or to give threat, they would not have waited for the period of 4 years and more.

12. On perusal of application and above affidavits, it appears that there is no reference in them, as to what steps were taken about the alleged threat given by non-applicants. It is pertinent to note that it is very easy to make such type of allegations in the application and filed affidavits of some

witnesses, which may be after thought.

13. It is pertinent to note that matters can not be transferred in casual manner, as parameters for transfer of cases are stringent and such application cannot be allowed upon the subjective whims or imaginary anxieties of a litigant. When allegations made in the application are examined carefully, this Court comes to the conclusion that no case is made out to transfer civil suit from Nilanga court to Latur court. Hence, application deserved to be rejected and this court proceeds to pass the following order :

ORDER

1. Application stands rejected.
2. Inform the concerned Court accordingly.

Date: 21.08.2026.

(S.J. Bharuka)
Sessions Judge, Latur.

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER".

N. V. Patil
Stenographer (Grade-2)

Name of the Judge(With Court Room No.)	Shri. S.J. Bharuka, Sessions Judge, Latur. (22)
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Date for pronouncement of Judgment/Order	21.08.2026
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Judgment/Order signed by P.O. on 21.08.2026