

MHAH010003742026



IN THE DISTRICT COURT, AHMEDNAGAR

(Presided over by S. B. Kachare, J. O. Code - MH00674)

CIVIL MISC. APPLICATION NO. 10 OF 2026

Anil Babulal Katariya

... Applicant

V e r s u s

1. Purushottam Prabhakar Kavhane
2. Rajendra Laxman Dhake
3. Ramesh Dagadu Dhake
4. Sunita Ramesh Dhake

... Non-applicants

Appearance -

Mr. S. P. Bharade, Advocate for the applicant.

Mr. S. S. Tone, Advocate for the non-applicant No.1.

Mr. S. S. Sumbe, Advocate for the non-applicants No.3 and 4.

Non-applicant No.2 – *exparte*.

ORDER BELOW EXH.01.

1. It is an application under Section 24 of the Civil Procedure Code, seeking transfer of Special Civil Suit No.124/2007 and Regular Civil Suit No.116/2012, presently pending before the Court of Civil Judge, Senior Division, Court No.13, Ahmednagar.

2. It is contended by the applicant that he has filed Special Civil Suit No.124/2007 against the non-applicant No.1, and Regular Civil Suit No.116/2012 against the non-applicant Nos.2 to 4 for recovery of the amount, which are pending on the file of the learned Civil Judge, Senior Division, Court No.13, Ahmednagar (Smt. Ujjwala Musale

Madam). It is contended that after the pleadings in Special Civil Suit No.124/2007, issues were framed at Exh.50, which includes Issue No.2: "*Does the defendant prove that the plaintiff does business of money lending unlawfully ?*" The applicant had filed an application at Exh.129 to delete the said issue. During the pendency of the said application, the then learned Presiding Officer recasted all the issues on 30.01.2017, and in the recasted issues, there was no earlier Issue No.2. Therefore, application Exh.129 was disposed of. Non-applicant No.1, by filing applications at Exhs. 187 and 189, sought permission to produce certain documents on record. The production was objected to. After hearing, both the applications were dismissed vide order dated 27.09.2023. The said order has not been challenged by the non-applicant No.1. However, the same documents have been brought on record in the course of cross-examination of the applicant/plaintiff, and a request was made to exhibit said documents vide application Exh.198. It was objected to by the plaintiff; however, the said application was allowed vide order dated 11.10.2024.

3. It is further contended that non-applicant No.1 had filed an application at Exh.272 for framing additional issues, which were earlier deleted and pertained to the business of money lending. The plaintiff objected to the said application by filing say at Exh.279. After hearing, application Exh.272 was allowed and an additional issue was framed. The application filed by the applicant to that effect at Exh.283 was dismissed. In paragraphs 8 and 9, personal comments have been made regarding the intervention by the Presiding Officer in the proceeding. It is, therefore, contended that the learned Presiding Officer appears to have a bias against the applicant, and therefore, it would be just and

necessary to transfer the aforesaid proceedings to some other Court.

4. The non-applicant No.1 resisted the application by filing say at Exh.32 and submitted that the averments and allegations made in the present application are false, incorrect and not admitted. It is submitted that, in Special Civil Suit No.124/2007, the non-applicant No.1 had specifically raised an objection regarding the applicant's alleged money-lending business in his written statement. The issue relating to money-lending was subsequently deleted while re-framing the issues; however, according to the non-applicant, the same was not decided on merits. It is further submitted that the non-applicant No.1 thereafter filed Exh.272 seeking re-framing of the said issue. The learned Trial Court, after granting opportunity to the applicant to put forth his say, allowed the said application. The applicant did not challenge the said order before any superior Court. According to the non-applicant, the allegations of bias and improper conduct against the learned Presiding Officer have been made only because certain orders were passed against the applicant. Hence, it is submitted that no sufficient ground is made out for transfer of the proceedings and the application deserves to be rejected with costs.

5. The non-applicants No.3 and 4 also resisted the application by filing their say at Exh.33 and contended that the application filed by the applicant under Section 24 of the Code of Civil Procedure, as well as the application for stay, is not maintainable and is devoid of any legal or factual basis. According to the learned advocate, the allegations made by the applicant regarding the proceedings in Special Civil Suit No.124/2007, particularly in respect of Exhs.198 and 272 and the issue relating to alleged unlawful money-lending, are not admitted and are

denied. It is submitted that the orders passed by the learned Trial Court were passed in the course of judicial proceedings and cannot, by themselves, constitute a ground for transfer of the suit. It is further submitted that the allegations regarding the conduct of the learned Presiding Officer, including the alleged incident dated 14.01.2025 and denial of opportunity to file say, are incorrect and have been specifically denied. The applicant is attempting to create an apprehension of bias merely because certain orders were passed against him. It is submitted that the applicant had already made a complaint before the then learned Principal District Judge on 17.12.2025, which came to be rejected on 23.12.2025. Therefore, according to the non-applicants, no fresh or sufficient cause is made out for transferring the suits from the concerned Court.

6. It is further submitted that Regular Civil Suit No.116/2012 has been pending since the year 2012 and the applicant, despite being the plaintiff, failed to take necessary steps in the matter. The suit was even kept for dismissal for want of steps and, despite sufficient opportunities being granted, the applicant did not proceed with the matter. The applicant has relied upon the pendency of Writ Petition No.8252/2024 before the Hon'ble High Court and has repeatedly sought stay of the suit, but no stay order has been obtained by him. According to the non-applicants, the proceedings in the suit have substantially progressed, the arguments of the parties have been heard and the matter is now at the stage of additional arguments and thereafter for judgment. It is therefore submitted that the present application has been filed only with a view to delay the final disposal of the suits and to avoid the matter reaching its logical conclusion. The

non-applicants further submit that they are aged persons and are being unnecessarily subjected to prolonged litigation, and that the applicant has initiated several proceedings against them. According to them, the applicant has failed to establish any reasonable or bona fide apprehension of denial of fair justice before the concerned Court. On the contrary, transfer of the proceedings at this advanced stage would cause serious prejudice and hardship to the non-applicants. Hence, it is prayed that the application under Section 24 of the Code of Civil Procedure as well as the stay application be rejected, with costs of Rs.25,000/- to the non-applicant Nos.3 and 4.

7. Heard the learned advocate of the applicant and learned advocate of the non-applicants at length. Perused the documents placed on record.

8. There can be no dispute that the power under Section 24 of the Code of Civil Procedure is wide. At the same time, when transfer is sought on the ground that a party apprehends that he may not receive fair and impartial adjudication before a particular Court, such apprehension cannot be founded merely upon suspicion, conjecture, or dissatisfaction with judicial orders. The apprehension must be bona fide, reasonable, and such as would appear justified to a reasonable person acquainted with the relevant circumstances. The Court is required to examine the circumstances objectively and not merely from the subjective perception of the litigant.

9. From the pleadings of the parties, it appears that the orders passed on Exhs. 198 and 272 are judicial orders, passed in the course of the proceeding. Whether those orders are legally correct or otherwise is not a matter which can appropriately be examined while exercising

jurisdiction under Section 24 of the Code. If an order is erroneous or prejudicial to a party, the remedy is to challenge it in accordance with law before the appropriate forum, wherever such a remedy is available. An order adverse to a litigant by itself cannot reasonably give rise to an inference that the Presiding Officer is biased against him. In an adjudicatory process, acceptance of the contention of one party necessarily results in rejection of the contention of the other. Such consequences are inherent and cannot, without something more, furnish a foundation for an allegation or an apprehension of bias. The applicant has also referred to certain instances in order to show that sufficient opportunity was not afforded. The allegations have been specifically denied by the non-applicants. On careful consideration of the material placed on record, this Court does not find any circumstances of such nature or gravity from which a reasonable inference can be drawn that the learned Presiding Officer has pre-judged the controversy or is acting in order to any personal interest, hostility, or predisposition against the applicant.

10. The Special Civil Suit is of the year 2007 and the Regular Civil Suit is of the year 2012. From the say of the non-applicant, it appears that the proceedings have substantially progressed. Arguments have already been heard, and the matter is at the stage of additional arguments and thereafter for judgment. These facts have been suppressed by the applicant. Transfer of long-pending suits at an advanced stage necessarily results in further delay. Thus, upon considering the circumstances cumulatively, it does not disclose any objective circumstance sufficient to infer personal bias, predetermined approach, or such conduct on the part of the learned Presiding Officer

as would create a reasonable apprehension in the mind of an ordinarily prudent litigant that fair and impartial justice would not be available before that Court. Consequently, the following order is passed -

ORDER

1. Application is dismissed.
2. Proceeding is closed.

Ahmednagar
Date: 11.08.2026.

(S. B. Kachare)
Principal District Judge, Ahmednagar

: CERTIFICATE FOR UPLOADING TO CIS :

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

Name of the Court	: Principal District Court, A'nagar.
Name of Stenographer	: Sakib N. Pirjade, Steno.(Grade-2)
Date of Judgment	: 11.08.2026
Signed by Presiding Officer on	: 11.08.2026
Judgment Uploaded in CIS on	: 11.08.2026