CHAPTER XXXI
PRESENTATION OF PROCEEDINGS AT THE OFFICE OF THE HIGH COURT AT NAGPUR, AURANGABAD AND PANAJI, GOA

[1][**1. Presentation of matters at Nagpur, Aurangabad and Goa.**--All appeals, applications, references and petitions including petitions for exercise of powers under Articles 226 and 227 of the Constitution arising in the Judicial Districts of Akola, Amravati, Bhandara, Buldhana, Chandrapur, Nagpur, Wardha, Yavatmal and Gadchiroli which lie to the High Court of Bombay shall be presented to the Additional Registrar of that High Court at Nagpur and shall be disposed of by the Judges sitting at Nagpur:

Provided that the Chief Justice may, in his discretion, order that any case arising in any such District shall be heard at Bombay;

Provided further that the Chief Justice may, in his discretion, order that any case presented at Bombay be heard at Nagpur.]

Notes

Chapter 31, Rule 1(1).--**Appellate Jurisdiction of High Court. Writ Petition--Challenging order of Joint Charity Commissioner, Pune. Refusing permission to alienate immovable properties of trust.**--Application for transfer of petition for presenting in Aurangabad Bench. Contention, cause of action not arisen within territorial jurisdiction of Appellate Side of principal seat of High Court at Bombay since properties are located within jurisdiction of Aurangabad Bench of Bombay High Court. It was held that the objection has no merit, cause of action wholly arisen within jurisdiction of Appellate Side of principal seat of Bombay High Court at Bombay since impugned order is passed at Pune which is within ordinary territorial limits of Appellate Side of principal seat at Bombay. A.I.R. 1975 Bom. 182; 2001(2) S.C.C. 294 referred to. 2004 (Supp. 2) Bom. C.R. (S.C.) 654 relied on. **Haji Abdul Razak Yasim Patel Vs. Bara Imam Masjid Trust, 2006(1) Bom. C.R. 776 : 2006(1) Mah. L.J. 184 : 2005(4) All M.R. 746.**

Chapter 31, Rule 1(1).--Appellate Jurisdiction--Writ Petition.--It was held that the Benches of principal seat would be extremely slow in entertaining matters which have arisen within the ordinary territorial jurisdiction of another Bench. **Haji Abdul Razak Yasim Patel Vs. Bara Imam Masjid Trust, 2006(1) Bom. C.R. 776 : 2006(1) Mah. L.J. 184 :** 2005(4) All M.R. 746.

Chapter XXXI, Rule 1(1).--**Appellate Jurisdiction--Writ Petitions**--Part of cause of action arisen within the normal territorial jurisdiction of two Benches. It was held that litigant would be entitled to approach either bench. 2004(Supp. 2) Bom. C.R. (S.C.) 654 relied on. **Haji Abdul Razak Yasim Patel Vs. Bara Imam Masjid Trust, 2006(1) Bom. C.R. 776 : 2006(1) Mah. L.J. 184 : 2005(4) All M.R. 746.**

Chapter XXXI Rule 1 read with section 41 of the Bombay Reorganisation Act, 1960 and Article 226(2) of Constitution of India.--Jurisdiction of the Nagpur Bench of the Bombay High Court.--The relevant facts in relation to the cause of action are not disputed namely that, the tender notice was published at Bombay, bids were submitted at Bombay, the scrutiny of documents, fire tests were conducted at Bombay. Eventually the

1 Substituted by Notification No. P. 3603186 dt. 7-8-1986.

letter dated 27.8.2009 was issued at Bombay. According to the petitioner the following events give rise to the part of the cause of action at Nagpur - a communication pertaining to tender notice, communication of date and timing of opening and communication regarding a query about the validity of a certificate, all received at Nagpur. Indeed no other events are relied upon for asserting that the cause of action has arisen within the jurisdiction of the Bench at Nagpur. High Court thus find that mere receipt of three communications dated 23.12.2008, 9.1.2009 and 16.6.2009, by the petitioner at Nagpur pertaining to a corrigendum to the tender notice, the date and time of the opening of the tender and whether a certificate submitted by the petitioner is appropriate, do not furnish even part of the cause of action and thus, the petitioner is not entitled to move this Bench at Nagpur. **VSP Aequa Mist Fire Pvt. Ltd., Nagpur Vs. Maharashtra State Electricity Transmission Company Ltd., Mumbai and others, 2010(2) Mh. L.J. 575.**

[1][2. All appeals, applications, references and petitions including petitions for exercise of powers under Articles 226 and 227 of the Constitution arising in the Judicial Districts of Ahmednagar, Aurangabad, Beed, Jalgaon, Jalna, Nanded, Osmanabad, Parbhani and Latur which lie to the High Court at Bombay shall be presented to the Additional Registrar at Aurangabad and shall be disposed of by the Judges sitting at Aurangabad:

Provided that the Chief Justice may, in his discretion, order that any case or class of cases arising in any such District shall be heard at Bombay:

Provided further that the Chief Justice may, in his discretion, order that any case presented at Bombay be heard at Aurangabad.]

Notes

Chapter 31, Rule 2 read with section 24 of the Code of Civil Procedure.-- Application for transfer of cases.--Applicants wives seeking transfer of Petitions filed by their respective transfer husbands from places of institution to the place where they are residing with their parents. Their plight and suffering germane. Their ordinary residence with parents gives them a cause and reason to seek the order of transfer. it forms a part of cause of action to seek such a relief. **Sangamitra w/o. Ramakant Royalwar Vs. Ramakant s/o. Gangaram Royalwar, 2008(6).All MR 1 : 2009(1) Mh. L.J. 303.**

Chapter 31, Rules 2 & 3 - Chief Justice Courts administrative powers - Scope - Transfer of case from one Bench to another at different places to principal seat under administrative power of Chief Justice - Challenge to directions that certain categories of cases before Aurangabad, Nagpur, Goa Benches be transferred to principal seat at Mumbai - Order dated 6-1-2010 modifies earlier order of Chief Justice, dated 24-2-1993 under Rules 1, 2 and 3 of Appellate Side Rules provides that writ petitions under Articles 226 and 227 of Constitution of India which are pending as well as filed before High Court Benches at Nagpur, Aurangabad and Goa Benches against Honble Chief Justice and its officers and District and Sessions Judges by Judicial Officers of District and subordinate judiciary and private persons arising from judicial Districts of (aforesaid Benches) be transferred to principal seat at Mumbai with clarification that this order will not apply to judicial orders passed by judicial officers and wherein judicial officers are made formal parties - Petitions are filed by Lawyers Forum and by Litigating Public - It is contended that power can be exercised by Apex Court and High Court under Articles 145 and 225 of Constitution of India and that statutory provisions for modification have not been followed - Held, power of allocation of work by Chief Justice. There is distinction between order passed on request of parties and one

1 Substituted by Notification No. P. 3602/88 dt. 30-12-1988, pub. in M.G.G. Pt IV-C, page 57.

by Chief Justice under its administrative powers. Second categories includes cases that are filed before different Benches are needed to be clubbed to be heard by one and same Bench. In first category cases Chief Justice has to hear parties and pass order in second category. He exercises power as master of roster an administrative power. Conclusion power of High Court is saved by Article 225 of Constitution of India and other provisions of Constitution to frame rules as to filing of matters before Benches and transfer of matters from other Benches to principal seat at Mumbai and rule making power under section 122 of C.P.C. Proviso to Rule 2 of Chapter 31 of High Court (Appeliate Side) Rules is illegal and invalid as same is in contravention of section 126 of C.P.C. It is well settled that Chief Justice as master of roster has power to allocate judicial work to Judges on different Benches, power to withdraw matters allocated to Judges or Benches. Power to transfer matters filed at different Benches to principal seat. Hence, no need to set aside orders passed by Chief Justice. **Lawyers Forum for General Utility & Litigating Public Vs. State of Maharashtra & ors., 2015 (2) Bom. C.R. 333 : 2015 (1) AIR Bom R 516.**

[1][3. All appeals, applications, references, petitions including petitions for exercise of powers under Articles 226 and 227 of the Constitution of India, arising in the State of Goa, which lie to the High Court at Bombay, shall be presented to the Special pfficer at Panaji, Goa and shall be disposed of by the Judges sitting at Panaji, Goa:

Provided that the Chief Justice may, in his discretion, order that any case arising in the State of Goa shall be heard at Bombay:

Provided further that the Chief Justice may, in his discretion, order that any case presented at Bombay be heard at Panaji, Goa.

4. All appeals, applications, references and petitions including petitions for exercise of powers under Articles 226 and 227 of the Constitution of India, arising in the Union Territories of Daman and Diu and the Union Territories of Dadra and Nagar Haveli which lie to the High Court at Bombay, shall be presented to the Additional Registrar (Judicial), High Court of Judicature, Bombay, at Bombay and shall be disposed of by the Judges sitting on the Appellate Side:

Provided that the Chief Justice may, in his discretion, order that any case arising in the Union Territories of Daman and Diu shall be heard at Panaji, Goa:

Notwithstanding anything contained in the amended Rules 3 and 4 above all cases arising in the existing Union Territories of Daman and Diu, which according to the Rules before the present amendment, have been filed at Panaji Bench, shall continue as before and shall be disposed of unless all the litigating parties desire otherwise, by the Panaji Bench of the High Court of Bombay.]

[2][Explanation.--However, all appeals, applications references and Petitions in exercise of powers under Articles 226 and 227 of the Constitution of India arising from the proceedings pending in the Courts of the State of Goa and arising from out of the Union Territory of Daman and Diu shall be, presented at Panaji Bench.]

CHAPTER XXXI-A
GENERAL

Deleted vide High Court Notification No. P 3606/79 dated the 17th April 1980 which was published in Mah. Govt. Gazette dt. 1-5-1980, Part 4-C, pages 577-587.

1. Substituted by Notification No. P. 3604/87 dt. 3-11-1987, pub. in M.G.G. Pt. IV-C, page 751
2. Added by Notification No. P. 3601189 dated 7-10-1989.