

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 1499 OF 2015
IN
APPEAL FROM ORDER NO. 944 OF 2008
WITH
APPEAL FROM ORDER NO. 944 OF 2008

Mrs. Madhu Shripal Mehta	... Applicant
Vs.	
Union of India	... Respondent

Mr. Pratap Patil, Advocate for the applicant.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 15th January, 2018.

P.C.:

This Application is moved for restoration of Appeal from Order and recalling the order dated 22nd January, 2015.

2. The learned counsel for the applicant submitted that the Appeal was admitted on 18th February, 2011 and by order dated 22nd January, 2015, the Appeal was dismissed for default.

3. Perused the bailiff report. It appears that the officer from the Income-tax Department of Union of India are not ready to accept the notice for no good reason. Hence, it is taken as a good service. The order of dismissal dated 22nd January, 2015 is hereby recalled. The Appeal from Order is restored to its original file along with Civil

Application.

4. Civil Application is allowed and is disposed of accordingly.

5. The learned counsel for the applicant submitted that the suit is valued below Rs.1 crore and hence, the Appeal is to be transferred to the District Court, Pune in view of the recent notification issued by the Law and Judiciary Department, Government of Maharashtra under Maharashtra Civil Courts (Amendment) Act, 2015 bearing No.CCS.2014/C.R.25/D19 dated 31.8.2015.

6. In view of the above notification, the Appeal along with Civil Application, are transferred to District Court, Pune. Registrar (Judicial) to take note of the same and do the needful by 05.02.2018. Parties to appear before the District Judge, Pune on 12.02.2018 at 11 a.m. The District Judge to assign the matter to the proper Court and the learned Judge to give notice to Union of India.

7. The Appeal and the application are disposed of as transferred.

(MRIDULA BHATKAR, J.)