

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

MISC. CIVIL APPLICATION NO. 252 OF 2015

The Central Bank of India	... Applicant
V/s.	
M/s. Vora Automotives Pvt. Ltd.	... Respondent

Mr. Sameer Tendulkar for the applicant.
Mr. Prem Gidwani i/b Raj Baid for the respondent.

**CORAM : K. K. TATED, J.
DATED : 28/10/2015.**

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by defendant for transfer of S. C. Suit no. 5691 of 2005 (High Court Suit No. 23 of 2005) pending before the Bombay City Civil Court at Bombay to the District Court at Akola for hearing and final disposal on its own merits.

3 The learned Counsel for the applicant submits that respondent hereinabove filed two suits bearing no. M.P Case No. 2 of 2011 and Regular Civil Appeal No. 76 of 2011 before the Civil Judge, Senior Division, Akola against the applicant for eviction from the suit property. He submits that the suit filed by the respondent plaintiff which is pending in Bombay City Civil Court at Bombay have no jurisdiction to entertain the same, as cause of action arose at Akola. He submits that the respondent filed the said suit for recovery of Rs.27,55,646.16 towards the lease rent in respect of property situated at Akola.

Therefore, the matter to be transferred to the District Court at Akola for hearing on its own merits.

4 On the other hand, the learned Counsel for the respondent plaintiff vehemently opposed the present application. He submits that in cause title the applicant has stated that the present application filed by them under Section 20(a) and (c) of the Code of Civil Procedure, 1908. He submits that the present application is maintainable only under Section 24 of Code of Civil Procedure, 1908. He further submits that the grounds raised by the applicant in the present application do not disclosed any cause for transferring the matter from Mumbai to Akola. Hence, there is no substance in the Misc. Civil Application and same to be dismissed with costs.

5 I heard both the sides at length. The main contention raised by the applicant that Bombay City Civil Court at Bombay has no jurisdiction to entertain the suit filed by the respondent plaintiff on territorial jurisdiction. That cannot be ground for transfer of matter from one place to another under Section 24 of Code of Civil Procedure, 1908.

6 Hence, Misc. Civil Application stands rejected.

(K.K.TATED, J.)