

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

908 MISC.CIVIL APPLICATION NO. 30 OF 2014

DR.PRADEEP MADANLAL TATED AND OTHERS
VERSUS
THE INDUSTRIAL DEVELOPMENT BANK OF INDIA LTD.

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Advocate for Applicants : Ostwal Abhaykumar D
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CORAM : T.V. NALAWADE, J.
DATED : 28th June, 2016.

ORDER :

1. The application is filed for transfer of Summary Suit No. 1/2011, presently pending in the Court of Civil Judge, Senior Division, Ambajogai to the Court of Civil Judge, Junior Division, Parli-Vaijinath. Defendants have filed the present proceeding. The respondent, plaintiff was served with the notice of present proceeding, but nobody has turned up. Heard the learned counsel for applicant and seen the order made by the District Court on transfer application which was filed in District Court by the present applicant.

2. The suit was filed for recovery of amount of Rs. 1,00,978.32 ps. It is registered as summary suit and the jurisdiction to try summary suit lies with Civil Judge, Senior Division. It is contention of the defendants that only to take the

matter to Civil Judge, Senior Division, tactics are played by original plaintiff and the suit is filed at other station to harass the defendants. This contention of the present applicants cannot be accepted. Considering the subject matter, only the Civil Judge, Senior Division has the jurisdiction and so, the suit was filed in the Court of Civil Judge, Senior Division at Ambajogai. There is no such Court at Parli-Vaijinath and so, the District Court has rejected the application. For the same reason, this Court holds that application cannot be allowed. In the result, the application stands rejected.

[T.V. NALAWADE, J.]

SSC/