

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****MISC.CIVIL APPLICATION NO. 67 OF 2013****Hemantrao Dhulaji Sonsale & Ors.****..... Applicants****VERSUS****The Cantonment Board,
Through Cantonment Executive Officer,
Deolani, District Nashik & Ors.****..... Respondents**

Mr.Hemant Sethi for the Applicants.

Mr.Murthy, i/b. Mr.Ajinkya R.Lokare for the Respondent nos. 8 to 60, 62 to 81, 83 to 100, 102 to 117, 119, 120, 123, 127 to 134.

CORAM : R.D. DHANUKA, J.**DATE : 23rd DECEMBER, 2016****P.C.**

By this application filed under section 24 of the Code of Civil Procedure, 1908, the applicants seek transfer of certain proceedings as prayed in prayer clause (a) of the misc.civil application to this court and for clubbing of the same along with Writ Petition No.2118 of 2000.

2. Mr.Sethi, learned counsel for the applicants invited my attention to the order passed by the Supreme Court on 25th January, 2002 in Civil Appeal No.755 of 2002 and also to an order dated 24th September, 2012 passed by this court in Writ Petition No.2118 of 2000.

3. It is submitted by the learned counsel that in view of the liberty granted by the Division Bench of this court on 24th September, 2012, the applicants have prayed for transfer of the proceedings described in prayer clause (a) of the

miscellaneous civil application in this court.

4. The Supreme Court on 25th January, 2002 made it clear that if the High Court thinks fit, it may withdraw appeals filed against Order dated 21st November, 2000 in RCS Nos. 955 of 2000 and 974 of 2000 before the District Judge, Nashik and dispose them along with writ petition.

5. A perusal of the order dated 24th September, 2012 passed by the Division Bench does not indicate that any such liberty is granted to the applicants for seeking transfer of the suit to this court.

6. It is not in dispute that the applicants herein are not parties to those proceedings pending before the District Court described in prayer clause (a) of the miscellaneous civil application.

7. In my view the applicants have thus not made out a case for transfer of those proceedings to this court.

8. Miscellaneous civil application is accordingly dismissed. No order as to costs.

(R.D.DHANUKA, J.)