

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY*****CIVIL APPELLATE JURISDICTION*****MISC.CIVIL APPLICATION NO. 154 OF 2014****Smt.Gangubai Laxman Bankar & Ors.****..... Applicants****VERSUS****Sou. Indubai Namdeo Verule****..... Respondent**

Mr.Sugandh Deshmukh for the Applicants.

Mr.A.R.Shaikh, i/b. Mr.Harshad Palwe for Respondent.

**CORAM : R.D. DHANUKA, J.****DATE : 22<sup>nd</sup> NOVEMBER, 2016****P.C.**

By this civil application the applicants seek transfer of the Regular Civil Suit No.21 of 2014 filed before the learned Civil Judge, Junior Division, Niphad, District Nashik to the court of the learned Civil Judge, Junior Division, Nashik at Nashik and to club with the Regular Civil Suit No.364 of 2008 which is pending before the Civil Judge, Junior Division, Nashik.

2. Learned counsel appearing for the applicants submits that both the suits are for partition of the same properties. The contentions raised in both the suits are similar. The properties which are subject matter of both the suits are ancestral properties and the respondent herein has share in the said property.
3. No affidavit in reply is filed by the respondent though served.
4. After considering the grounds raised in paragraph (14), I am satisfied that the applicants have made out a case for transfer. Both the suits can be conveniently be heard and disposed off together.

5. I, therefore, pass the following order :-

(a) Miscellaneous civil application is made absolute in terms of prayer clause (A).

(b) The learned Civil Judge, Junior Division, Niphad, Nashik is directed to transmit the papers and proceedings in Regular Civil Suit No.21 of 2014 to the court of learned Civil Judge, Junior Division, Nashik at Nashik and to hear both the suits together.

(c) Both the parties are directed to co-operate with each other and with the learned Civil Judge, Junior Division, Nashik at Nashik for expeditious disposal of the said proceedings.

(d) Both the parties are directed to appear before the learned Civil Judge, Junior Division, Nashik at Nashik on 12<sup>th</sup> December, 2016.

(e) The parties as well as the two courts described in prayer clause (A) of this misc.civil application to act on the authenticated copy of this order.

(f) No order as to costs.

**(R.D.DHANUKA, J.)**