

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

MISC. CIVIL APPLICATION NO.243 OF 2016

Robinsons & Ors. .. Applicants
Vs.
The Board of Trustees of the Port of Mumbai .. Respondent

Ms.Parinaz Nagporwala a/w Mr.Soura Ghosh i/by M/s.Hariani & Co.
for Applicants.
Mr.Vishal Talsania i/by M/s.Motiwalla & Co. for Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 14th September 2016

P.C.

. By this miscellaneous civil application filed under Section 24 of the Code of Civil Procedure, 1908, the applicant seeks transfer of the Suit No.6988 of 2005 filed before the Bombay City Civil Court to this Court and for clubbing the said suit along with the Suit No.228 of 2006 filed by the applicants which is pending before this Court.

2. It is not in dispute that the Suit No.6988 of 2005 filed by the respondent was originally filed in this Court and has been transferred to the Bombay City Civil Court in view of transfer of jurisdiction partly to that Court.

3. It is not in dispute that the oral evidence of the plaintiff in the said Suit No.6988 of 2005 has been concluded and the matter is now adjourned for evidence of the defendants. The suit filed in this Court is at the direction stage. The issues are not framed in the said suit. The said suit is pending before this Court.

4. In these circumstances, I am not inclined to accept the request of the applicants to transfer the Suit No.6988 of 2005 from Bombay City Civil Court to this Court. Application for transfer of the suit is accordingly rejected. No order as to costs.

R.D. DHANUKA, J.