

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****MISC.CIVIL APPLICATION NO.265 OF 2016****Sudesh Kanta Rajpaul Agarwal & Anr.****..... Applicants****VERSUS****Anoop Rajpaul Agarwal****..... Respondent**

Mr.Chirag Mody, a/w. Mr.Nilesh Tated, Mr.Rushabh Parekh, i/b.DSK Legal for the Applicants.

Mrs.Alisha Lambay, i/b. Lambay and Co. for the Respondent.

CORAM : R.D. DHANUKA, J.**DATE : 7th OCTOBER, 2016****P.C.**

Learned counsel appearing for the respondent (original plaintiff) does not dispute that the Bombay City Civil Court has no jurisdiction to entertain both these suits and that this court has jurisdiction to entertain, try and dispose of both these suits. Both these suits are wrongly transferred to City Civil Court. Statement is accepted.

2. Learned counsel appearing for the respondent herein has no objection if both the suits described in prayer (a) of the misc.civil application are transferred to this court as prayed.

3. In view of the statement made by the learned counsel for the respondent (original plaintiff), Misc.Civil Application No.265 of 2016 is made absolute in terms of prayer clauses (a) and (b). The Bombay City Civil Court is directed to transmit the papers and proceedings in Suit No.7366 of 2004 including all

interlocutory proceedings filed therein to this court expeditiously.

4. The parties as well as the Bombay City Civil Court to act on the authenticated copy of this order. No order as to costs.

(R.D.DHANUKA, J)