

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

MISC. CIVIL APPLICATION NO.285 OF 2015

Kanji Jadhavji & Co. .. Applicant
Vs.
The Board of Trustees of
the Port of Mumbai & Anr. .. Respondents

Mr.Gandhar Raikar for the applicant.
Ms.Aditi Pawar i/by M/s.Motiwalla & Co. for the respondent no.1.

CORAM : R.D. DHANUKA, J.
DATE : 4th January 2016

P.C.

. Learned counsel appearing for the applicant states that both the respondents have been served. None appears for the respondent no.2 though served. He invited my attention to paragraph 1 of the plaint and would submit that the respondent no.2 is only added as a formal and necessary party to the suit. No relief is claimed against the respondent no.2 in the suit as well as in the present proceedings. Statement is accepted.

2. In so far as the respondent no.1 is concerned, the learned counsel appearing for the respondent no.1 states that her client has no objection if the relief is granted in terms of prayer clause (a) of the misc. civil application for the reasons recorded in the misc. civil application. Statement is accepted.

3. For the reasons recorded in the misc. civil application, the application is allowed in terms of prayer clause (a).

4. Bombay City Civil Court is directed to transfer the paper and proceedings in the Civil Suit No.107003 of 2005 to this Court. Upon transfer of the said proceedings by the City Civil Court to this Court, the same shall be clubbed along with Suit No.232 of 2006 which is pending in this Court.

5. Misc. civil application is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.