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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION (STAMP) NO.28937 OF 2016

M/s.Maruti Lift & Safe Technique Pvt. Ltd.	...Applicants
V/s.	
M/s.Swiber Offshore (India) Pvt. Ltd. & Anr.	...Respondents

WITH

MISC. CIVIL APPLICATION (STAMP) NO.28941 OF 2016

Mercury Marine Suppliers	...Applicants
V/s.	
M/s.Swiber Offshore (India) Pvt. Ltd. & Anr.	...Respondents

Mr.Abhishek Khare with Ms.Roshini Naik i/b Khare Legal Chambers
for the Applicants.

Mr.Rohan Agrawal i/b MDP & Partners for the Respondent No.2.

CORAM : R.D. DHANUKA, J.
DATE : 21ST OCTOBER, 2016.

P.C. :-

1. Misc. Civil Application (Stamp) No.28941 of 2016 is not on board and is taken on board and is heard along Misc. Civil Application (Stamp) No.28937 of 2016. Learned counsel appearing for the applicant states that the respondent no.1 in both the matters

has been served. The statement is accepted. None appears for the respondent no.1 when the matters were called out.

2. By these two misc. civil applications, the applicants (original plaintiffs) in S.C. Suit (Lodging) No.11294 of 2016 and S.C. Suit (Lodging) No.11293 of 2016 seek transfer of these two suits pending before the Bombay City Civil Court to this Court. Learned counsel for the applicants states that some of the appeals arising out of the arbitration petitions against the respondents are pending before this Court and are being heard by the Division Bench presided by Shri Justice V.M. Kanade. He submits that some of the appeals arising out of the suits in which the respondents herein are parties arising out of the similar transactions are also assigned to the Division Bench presided by Shri Justice V.M. Kanade.

3. The applicants herein have also filed the suits in the Bombay City Civil Court for recovery of various amounts against the respondent no.1. He submits that the applicants have to recover substantial amounts from the respondent no.1 in the said suit, which party is indebted to large number of creditors, who are parties to the proceedings before the Division Bench of this Court. He submits that the issue involved in the suits which are filed by the applicants before the Bombay City Civil Court is common and similar to the proceedings pending before this Court.

4. Learned counsel appearing for the respondent no.2 has no objection if the proceedings are transferred to this Court as prayed. The statement is accepted.

5. I have heard the learned counsel for the applicants and for the respondent no.2 and have perused the averments made in the misc. civil applications. I am of the view that since the issue arising in the proceedings before this Court and in those two suits being common and the respondent nos.1 and 2 being parties to all these proceedings, the case for transfer of those proceedings to this Court under section 24 of the Code of Civil Procedure, 1908 is made out by the applicants.

6. I therefore, pass the following order :-

a). S.C. Suit (Lodging) No.11294 of 2016 and S.C. Suit (Lodging) No.11293 of 2016 are directed to be transferred from the Bombay City Civil Court to this Court. The Bombay City Civil Court is directed to transmit the papers and proceedings of those two suits to this Court expeditiously.

b). Upon transfer of those proceedings to the learned single Judge of this Court, liberty is granted to the applicants to apply for clubbing of these proceedings with the pending proceedings.

c). Misc. Civil Application (Stamp) Nos.28937 of 2016 and 28941 of 2016 are disposed of in aforesaid terms. No order as to

costs.

7. The parties as well as the Bombay City Civil Court to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)