

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

MISC. CIVIL APPLICATION NO. 13 OF 2016

Hickson & Dadajee Pvt. Ltd.

... Applicant

v/s

Dadajee Dhackjee & Co. Ltd. & ors.

... Respondents

Mr.Rajendra M. Haridas for the applicant.

Mr.Raj Patel i/by Mohan P. Patel for Respondent Nos.3 and 4.

CORAM: N.M. JAMDAR, J.

DATED : 8 MARCH 2016

P.C.:

Heard learned counsel for the Applicant.

2 By this application, the applicant seeks transfer/clubbing of T.E. & R. Suit No.235/254/2003, pending in Court Room No.16 of Small Causes Court and R.A.E. & R. Suit No.726/1127/2003, pending in Court Room No.23 of Small Causes Court, Mumbai.

3 It is urged by the learned counsel for the Applicant that parties being the same and both the suits are pending in the Small Causes Court, it will be convenient for the disposal of the proceedings that they are heard by one Court and clubbed together.

4 Thus convenience of the parties is put-forth as a ground for transfer or clubbing the matters together. Therefore, the stage, at which the proceedings are, will have to be kept in mind. It is informed that both the suits are at the stage of cross-examination of the witnesses. At this stage, if the schedule in both the suits is disrupted by transfer or clubbing them in one proceedings, it will in fact cause inconvenience. Therefore, at this stage, it will not be appropriate to grant reliefs prayed for by the Applicant in this miscellaneous application.

4 The application is accordingly rejected.

(*N. M. JAMDAR, J.*)