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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 141 OF 2016
IN
TESTAMENTARY SUIT NO. 158 OF 2015
IN
TESTAMENTARY PETITION NO. 366 OF 2015**

Hridaynarayan Kedarnath Upadhyay ...Plaintiff
Versus
Virendra Narayan Kedarnath Upadhyay & 3 Ors. ...Defendants

Mr. Jayant S. Gaikwad, *for the Plaintiff/Applicant.*
Mr. Anand Mishra, *i/b Mr. R.R. Varma, for the Defendants.*

CORAM: G.S. PATEL, J
DATED: 31st August 2016

PC:-

1. This application is for transfer of a Suit from the Bombay City Civil Court to this Court. The Suit in the Bombay City Civil Court is at the stage of trial. It is a partition Suit. The property and the estate is the same. In my view, it would be convenient to have that matter tried along with this matter in this Court.

2. I cannot, however, on the Original Side in testamentary jurisdiction make that order for transfer nor can I stay the Bombay City Civil Court suit.
3. Liberty to the Plaintiff to make the necessary application on the Appellate Side under Section 24 of the Code of Civil Procedure, 1908 and to move for urgent ad-interim orders.
4. The Notice of Motion is disposed of in these terms with no order as to costs.

(G. S. PATEL, J.)