

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**CHAMABER SUMMONS NO. 1356 OF 2016**  
**IN**  
**SUIT NO. 3746 OF 1994**

K. R. Shenoy & 5 Ors. ...Plaintiffs  
*Versus*  
Smt. Mathurbai Dayansanker Patil & 21 Ors. ...Defendants

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**Ms. Soniya Putta, a/w Ms. Devyani Deshmukh, i/b M/s. Solomon & Co., for the Plaintiffs.**  
**Mr. Mayur Khandeparkar, a/w Mr. Darshan Mehta and Ms. Pooja Shah, i/b Dhruve Liladhar, for the Defendants.**

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**CORAM: G.S. PATEL, J**  
**DATED: 5th October 2016**

**PC:-**

1. This Chamber Summons must dismissed. It could not possibly have been filed in this Court. The Suit was originally filed here but was ultimately transferred to the City Civil Court at Bombay. This was required in view of the statutory amendment regarding the pecuniary jurisdiction of this Court and the City Civil Court. All pending proceedings by virtue of Section 4A of the amending act stood transferred to the City Civil Court at Bombay.

2. That transfer was at one level jurisdictional but at another level also physical in the sense that the papers of cases filed here and transferred to the City Civil Court were required to be taken from this Court to that Court. This lot of papers seems to have left behind. This is not a reason for the Plaintiffs to assume that the Chamber Summons can be filed here. Jurisdiction depends on which court can hear the matter, not where the papers are physically kept.

3. This application must be made before the City Civil Court at Bombay and that Court will grant or reject the application. I say nothing further on that aspect of the matter. These papers will be taken to the City Civil Court at Bombay no later than by Monday, 10th October 2016. I note that even more curiously, the Suit has been renumbered already in the City Civil Court at Bombay as Suit No. 8895 of 1994.

**(G. S. PATEL, J.)**