

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**CHAMBER SUMMONS NO. 1029 OF 2011
IN
SUIT NO. 1179 OF 2003**

Devji Ambabhai Patel	.. Plaintiff
Vs.	
Chunilal V. Patel & Ors.	.. Defendants
And	
Karamshi Patel & Ors.	.. Add. Respondents

**WITH
CHAMBER SUMMONS NO. 1581 OF 2015
IN
SUIT NO. 1179 OF 2003**

Devji Ambabhai Patel	.. Plaintiff
Vs.	
Chunilal V. Patel & Ors.	.. Defendants

**WITH
NOTICE OF MOTION NO. 2132 OF 2015
IN
SUIT NO. 1179 OF 2003**

Ashit Devji Patel & Ors.	.. Applicants
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In the matter between :

Devji Ambabhai Patel	.. Plaintiff
Vs.	
Chunilal V. Patel & Ors.	.. Defendants

Mr.Suresh Dubey for plaintiff.

Mr.A.L.Patki for defendant Nos.1 to 11 and 18.

**CORAM : K.R.SHRIRAM, J.
DATE : 8TH JUNE, 2016**

P.C.

NOTICE OF MOTION NO. 2132 OF 2015

1 This notice of motion is filed at the instance of the legal heirs of the plaintiff to restore the suit that came to be dismissed for default on 20th December 2007.

2 The counsel for the defendants opposes the notice of motion.

3 The suit is for partition. This is a family dispute. It is trite that such family matters have to be considered slightly different from the other regular matters. I have considered the affidavit in support and in my view, this is a matter where the application has to be allowed. Therefore the order dismissing the suit by the Prothonotary & Senior Master on 20th December 2007 for default is hereby set aside and the suit is restored to file.

4 The notice of motion accordingly disposed.

5 Since the valuation of the property is less than Rs.1 crore, the suit to be transferred to the City Civil Court, Bombay.

4 As regards the two chamber summons, viz., 1029 of 2011 and chamber summons no. 1581 of 2015, Shri Patki, counsel for defendant Nos.

1 to 11 and 18 states that these chamber summons also will get transferred to the City Civil Court, Bombay.

5 Accordingly, the registry to transfer the entire record and proceedings to the City Civil Court, Bombay within four weeks from today.

(K.R. SHRIRAM, J.)