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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8535 OF 2014

Dashmesh Road Constructions Pvt.Ltd.,
Khamgaon, a Company duly constituted
under the Companies Act, 1956,
Having its office at Akola Bazar,
Khamgaon, Dist. Buldhana
Through its Directors & ors. ..PETITIONERS

VERSUS

A. V. Enterprise,
A proprietorship concern
Through its sold proprietor and
owner Shri. Vineet Vikas Joglekar,
Age: 62 years, Occu: Business,
R/o. 16, Shivaji Nagar, Behind Vijay
Saw Mill, Jalgaon, Dist. Jalgaon
& ors. ..RESPONDENTS

Mr P. P. Dhorde, Advocate for petitioners;
Mr S. V. Dixit, Advocate for respondent No.1

CORAM : NITIN W. SAMBRE, J.

DATE : 8th NOVEMBER, 2017

ORAL ORDER :

Civil Misc. Application No.179 of 2013
preferred by the petitioners-defendants under
Section 24 of the Code of Civil Procedure seeking
withdrawal of Regular Civil Suit No. 194 of 2012

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from the file of 3rd Joint Civil Judge, Junior Division, Jalgaon and sought transfer of the same to the Court of Civil Judge, Junior Division, Muktainagar to be tried with Regular Civil Suit No.10 of 2012.

2. The said prayer is rejected by learned Principal District Judge on the ground that there is no substance in the application.

3. Mr. Dhorde, learned Counsel for the petitioners, while inviting attention of this Court to the judgment in the matter of **Gurdeepsingh s/o Gopalsingh Bagga & ors. vs. Gurucharansingh s/o Gopalsingh Bagga & ors.**, reported in **2014(3) Mh.L.J. 935**, would urge that so as to avoid conflicting findings between the same parties on the similar issue, suit must be transferred and tried at same place.

4. Considered submissions and also resistance shown by the respondent. In my opinion, no case

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for interference or transfer of the suit is made out, particularly when the fact remains that there are in all four suits pending between the parties, and the petitioner is seeking transfer of only one suit, being Regular Civil Suit No.194 of 2012 to be heard with Regular Civil Suit No.10 of 2012.

5. Both these suits are pending since 2012. Apart from above referred suits, other suits are in between the same parties, of which the petitioners have not sought any transfer.

6. Considering stage at which the suit has reached and the fact that other suits are pending before respective Courts between the same parties, in my opinion, no case for interference is made out. As such, the petition fails and stands dismissed.

(NITIN W. SAMBRE, J.)