

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9570 OF 2016

Lal Ghanshani ... Petitioner
Vs.
Shireen Sethna ... Respondent

Mr. S. V. Mehta a/w. Ms Minal Dedhia i/b. Malvi Ranchoddas and Company
for Petitioner.
Mr. Abhishek Pungliya for Respondents No.1 and 4.

CORAM : R. G. KETKAR, J.
DATE : MARCH 14, 2017

P.C. :

Heard Mr. Mehta, learned Counsel for petitioner and Mr. Pungliya, learned Counsel for respondents No.1 and 4. Mr. Pungliya states that respondent No.3 has expired. Mr. Mehta seeks leave to delete respondent No.2 on the ground that respondent No.1 being the original plaintiff is the contesting respondent. On the oral application made by Mr. Mehta, leave to delete respondent No.2 is granted. Rule. Mr. Pungliya waives service for respondents No.1 and 4. In view of the narrow controversy raised in this Petition as also at the request and by consent of the parties, Rule is made returnable forthwith and the Petition is taken up for final hearing.

2. By this Petition under Article 227 of the Constitution of India, petitioner has challenged the judgment and order dated 17.03.2016 passed by the learned Judge, City Civil Court, Mumbai in Notice of Motion No.3332 of 2015 in Suit No.107423 of 1997. By that order, the learned trial Judge has rejected the Motion taken out by the defendant No.4 for

transferring Suit No.107423 of 1997 to the High Court.

3. Mr. Mehta states that initially the Suit was instituted on the Original Side of this Court and on account of enhancement of pecuniary jurisdiction, it was transferred to the City Civil Court. Defendant No.4 took out Notice of Motion for transferring the Suit to the High Court on the ground that the value of the subject matter exceeds the pecuniary jurisdiction of the Bombay City Civil Court.

4. Mr. Pungliya appearing for respondents No.1 and 4 has no objection for allowing the Notice of Motion in terms of prayer clause (a).

5. In view thereof, by consent of the parties, Notice of Motion is allowed in terms of prayer clause (a) with no order as to costs. Impugned order dated 17.03.2016 stands set aside. Rule is made absolute in the aforesaid terms with no order as to costs.

(R. G. KETKAR, J.)

Minal Parab