

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.208 OF 2014

Latika Ashok Misal (Patil) and Anr.	...	Applicants
versus		
Usha Namdeo Misal (Patil) and Ors.	...	Respondent

Mr. Pankaj Purway, for Applicants.
None for Respondents.

CORAM: S.J. KATHAWALLA, J.

DATE: 28th AUGUST, 2017

P.C.:

1. By the above Misc. Civil Application filed under Section 24 of the Code of Civil Procedure, 1908, the Applicants seek transfer of Special Civil Suit No.112 of 2013 filed by the Applicants before the Civil Judge, Senior Division at Jalgaon to the appropriate Court at Pune. The above Suit is filed by the Applicants for partition and possession of immovable properties of Hindu Joint Family as well as ancestral property situated at Pachora, Bambrul Village Tal.Pachora, Anturli Village, Tal. Pachora, Utran Village, Tal. Pachora, More particularly described in Special Civil Suit No.112 of 2013.

2. The Applicant No.1 is a practicing Advocate at Pune. There are 62 Respondents to the Suit. In my view, the Respondents will be inconvenienced if they are required to travel from Jalgaon to Pune if the Special Civil Suit No.112 of 2013

filed by the Applicants themselves before the Civil Judge, Senior Division at Jalgaon is transferred to the Court at Pune. In view of the peculiar facts and circumstances of the case and in the interest of justice, I pass the following order :

(i) The Court of Civil Judge, Senior Division at Jalgaon shall allow the Applicants to appear in Special Civil Suit No.112 of 2013 through video-conferencing.

(ii) The District Court at Pune shall allow the Applicants and their Advocates to use the video conferencing facility.

(iii) The Court of Civil Judge, Senior Division at Jalgaon shall allow the Applicants to get their pleadings/Affidavits affirmed before the Court at Pune and forward the same to the Court of Civil Judge, Senior Division at Jalgaon.

(iv) The District Court at Pune shall also allow the Applicants to affirm/verify their pleadings/affidavits before the District Court at Pune to enable them to forward the same to the Court of Civil Judge, Senior Division at Jalgaon.

(v) The Civil Judge, Senior Division at Jalgaon, shall endeavour to dispose off the Special Civil Suit No.112 of 2013 within one year from the date of receipt of this order.

(vi) The Civil Judge, Senior Division at Jalgaon shall not grant any adjournment to the parties unless absolutely necessary. The parties too shall not seek any adjournment unless absolutely necessary.

(vii) Since the proceedings shall be conducted through video-conferencing,

the Civil Judge, Senior Division, Jalgaon shall fix the hearing of the matter at the time specified in advance.

(viii) All contentions of the parties are kept open.

2. The above Misc. Civil Application is accordingly disposed off.
3. A copy of this order shall be forthwith served on the Respondents by the Applicants and/or their Advocates through Speed Post A.D./Registered Post A.D.

(S.J.KATHAWALLA, J.)