

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

FIRST APPEAL NO. 1889 OF 2013

Raghunath Dhondiba Kate and others ... Appellants
Versus
Vikram Bhavanji Ruparle and others ... Respondents

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Mr. S.M. Gorwadkar Senior Advocate i/b Sujay H. Gangal for the appellants.

Mr. P. S. Dani Senior Advocate i/b Mr. A.P. Kulkarni for respondent Nos. 1 and 2.

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**CORAM : NARESH H. PATIL AND
R. G. KETKER, JJ.**

DATE : 24th NOVEMBER, 2017.

P. C. :

1. The learned Senior Counsel appearing for the appellants submits that the respondents - original plaintiffs had taken steps to execute the decree, therefore prays that the appellants be protected.

2. The learned Senior Counsel appearing for the respondents-original plaintiffs has raised preliminary issue regarding pecuniary jurisdiction.

3. The counsel further submits that the plaintiffs have contended that they agreed to purchase the suit property at the rate of Rs.20/- per sq.ft. therefore, maximum court fees to Rs. 15,000/- was deposited. The suit plot admeasures 29 R. The counsel submits that the District Courts are conferred with the power to hear appeals having pecuniary jurisdiction of Rs. 1 Crore. Therefore, this appeal is required to be transferred to the appellate court.

4. The learned Senior Counsel appearing for the appellants accepts this proposition and submits that the necessary directions be issued to the Registry to transfer this appeal along with the original record and proceedings to the District Court, Pune.

5. The Senior Counsel appearing for the respondents on instructions submits in fairness that for a period of three weeks the respondents will not press for orders on the execution petition pending in the trial court. We accept the statement made by the learned Senior Counsel.

6. Registry is directed to take necessary steps to transfer this appeal and the original record and proceedings to the District Court, Pune, at the earliest. Registrar Judicial be intimated accordingly.

(R. G. KETKAR, J.)

(NARESH H. PATIL, J.)