

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.2417 OF 2016
IN
SUIT NO.1065 OF 1981**

Jagdish R.Singh)....Applicant/Plaintiff

V/s.

Keki Rattansha Kalapesi (deceased))
And Anr.)....Defendants

And

M/s.Seven Star Estates (Pvt.) Ltd.)....Respondent

Mr.Prarak Sharma i/by B.Amin & Co. for applicant/plaintiff.

Ms.Neha Bhatt i/by Bilawala & Co. for defendant nos.2 & 3.

**CORAM : K.R.SHRIRAM,J
DATE : 7.8.2017**

P.C.:-

1 This Notice of Motion is taken out to re-transfer the Suit No.1065 of 1981 to this Court which was initially filed in this Court and got transferred to the City Civil Court because of the increase in pecuniary jurisdiction of the City Civil Court and also to be heard along with Suit No.4060 of 2001.

2 No affidavit in reply is filed opposing the application. To a query by the Court, the counsel appearing for defendant nos.2 & 3 was candid to state that the subject matter of Suit No.1065 of 1981 is the same as the subject matter of Suit No.4060 of 2001. In my view, the evidence also probably be overlapping and if this application is

allowed judicial time would also be saved.

3 In the circumstances, Notice of Motion allowed in terms of prayer clauses-(a) and (b) and disposed accordingly.

4 Ms.Neha Bhatt appearing for defendant nos.2 & 3 states that defendant no.2 has expired and during the course of this week she will forward photo copy of death certificate and also list of legal heirs. Statement accepted.

5 Mr.Sharma appearing for the applicant states that no sooner they get the details from Bilawala and Co., the plaintiff will take steps to bring the legal heirs on record.

6 Ms.Bhatt states though the Court had granted two weeks time to file additional written statement on 14.9.2016, additional written statement has not been filed because they lost the papers.

Mr.Sharma for plaintiff states he will provide a photo copy of the plaint to Bilawala and Co. Therefore, additional written statement to be filed within four weeks from today.

(K.R.SHRIRAM,J)