

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

WRIT PETITION NO. 2755 OF 2017

M/S SATHE CONSTRUCTION PVT LTD THROUGH ITS MANAGING
DIRECTOR S K SATHE
VERSUS
THE EXECUTIVE ENGINEER MJP DIVISION AHMEDNAGAR AND
OTHERS

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Advocate for the Petitioner : Shri Karpe Rahul R..
Advocate for Respondents 1 to 4 : Shri D.P.Bakshi.
AGP for Respondent 5 : Shri N.T.Bhagat.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 26th November, 2018

Per Court:

1 The learned Advocate appearing on behalf of Respondent Nos.1, 2, 3 and 4 submits, on instructions, that as both the parties have given their respective purshis before the Trial Court in Special Civil Suit Nos.182/2009 and 313/2011, this petition can be allowed in terms of prayer clause "B" and Special Civil Suit No.182/2009 can also be transferred to the Commercial Court.

2 In view of the above, this Writ Petition is allowed in terms of prayer clause "B", which reads as under :-

"B) *Kindly quash and set aside the impugned order dated 05.11.2016 passed by the learned Principal District Judge, Ahmednagar (Administrative Side) to the extent of*

rejection of transfer of Special Civil Suit No.182/2009 filed by the present petitioner to the Commercial Court/ District Judge-1 along with the Special Civil Suit No.313/2011 filed by the present Respondent No.1 and consequently the Special Civil Suit No.182/2009 filed by the present petitioner also to be transferred to the Commercial Court/ District Judge-1 for simultaneous hearing along with the Special Civil Suit No.313/2011."

kps

(RAVINDRA V. GHUGE, J.)