

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

MISC. CIVIL APPLICATION NO.53 OF 2018

Mr. Suresh Vamanrao Bansode & Anr. ...Applicants

Versus

Shri Sunil Namdev Patil & Anr. ...Respondents

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Mr. Rahult Pandit a/w. Premanand Tarane for the Applicants.
Mr. Pratap Patil for Respondent Nos.1 and 2.
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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: APRIL 11, 2018**

P.C. :

1. This Application is filed under section 24 of the Civil Procedure Code by the applicants for transfer of Regular Civil Suit No. 16 of 2015 filed by the respondents, which is pending before the learned Civil Judge, Senior Division, Islampur, Sangli, to be transferred to the Court of Civil Judge, Senior Division, Panvel, District Raigad.

2. The learned Counsel for the applicants submits that the applicants are the defendants in the said Suit and they are residing

at Kharghar. The respondents/plaintiffs have filed the suit for specific performance of the contract in respect of immovable property situated at Village – Islampur, Taluka – Valva, District – Sangli. He further submits that applicant no.1 is a senior citizen and suffering from coronary angiography and applicant no.2 had a heart attack and, therefore, it is not possible for them to travel from Kharghar to Sangli on the dates scheduled by the Court.

3. The learned Counsel for the respondents opposes this Application. He submits that the applicants have already filed one application challenging the territorial jurisdiction of the Sangli Court, however, it was rejected. This is second attempt by the applicants to avoid jurisdiction of the Sangli Court. He further submits that the evidence of the plaintiffs is over and one of the defendants is examined. Cross is complete and the matter will get over soon.

4. In view of the above submissions and considering the facts and circumstances of the case, I am of the view that no good ground is made out by the applicants to transfer the Regular Civil Suit No. 16 of 2015 from the Court of Civil Judge, Senior Division,

Islampur, Sangli to the Court of Civil Judge, Senior Division, Panvel, District – Raigad. Hence, Miscellaneous Civil Application is rejected.

5. The learned Counsel for the applicants has expressed threat perception at Islampur.

6. The applicants are always free to take legal steps, if any such untoward incident occurs.

(MRIDULA BHATKAR, J.)