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

MISCELLANEOUS CIVIL APPLICATION NO.239 OF 2016

Vidya Gajanan Kelkar	...	Applicant
V/s.		
St. Francis Xaviers Church and ors	...	Respondents

Mr. Durgaprasad Sabnis i/by Lex Firmus, for the applicant.

Mr. A. R. Mishra for respondent No.3.

Mr. A.R. Patil, AGP for respondent State.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J

DATE : 25th JUNE, 2018.

P.C. :

- 1] Heard learned counsels for the applicant and respondents.
- 2] By this application filed under Section 24 of the Code of Civil Procedure, the applicant is seeking to transfer S.C. Suit No.1729 of 2009, pending on the file of City Civil Court at Dindoshi, Bombay to this Court, on the ground that the result or the outcome of that suit is going to have effect on the rights of applicant in Suit No.1111 of 1996.
- 3] It is submitted that the applicant has granted lease in favour of respondent No.3 and respondent No.3 has entered into Package deal with other respondent Nos. 38 to 41.
- 4] Learned counsel for applicant submits that the applicant is denying the execution of the package deal by respondent No.3.

Respondent No.3 has also filed suit bearing No.1729 of 2009 for extension of the lease and for conveyance of reversion rights. According to learned counsel for applicant, whatever decision will be arrived at in that suit, it is going to affect the rights of the applicant in his suit, and hence it is necessary that both the suits should be tried together.

5] However, as rightly submitted by learned counsel for respondents, the hearing S.C. Suit No.1729 of 2009 pending in the City Civil Court, is almost completed and the evidence of plaintiff is closed. Pursis to that effect is also filed; whereas the Suit No.1111 of 1996 pending in this Court was dismissed for default twice and its hearing is yet to commence.

6] Moreover, respondent Nos. 4 to 41 are not parties to S.C.Suit No.1729 of 2009. It is also admitted that impleadment of these respondents in the said suit has been rejected.

7] There is also no question of any conflicting decisions being arrived at. Merely because the result of one suit will have effect on the other suit, cannot be ground to transfer the suit.

8] Anyway no ground is made out for transfer of the suit. Hence the application stands rejected.

[DR.SHALINI PHANSALKAR-JOSHI, J.]