

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION No. 210 OF 2017

Smt. Anjana Sukhdeo Mane ...Applicant

Versus

Smt. Tanubai Lalji Mane & Anr. ...Respondents

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Mr. S.T. Bhosale for the Applicant.

Mr. Vinod P. Sangvikar a/w. Mr. Yogesh Morbale for Respondent Nos.
1 and 2.

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CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **APRIL 24, 2018**

P.C.:

1. Leave to amend the address of respondent no.1. Amendment
is to be carried out forthwith.

2. This Application is filed under Section 24 of the Code of Civil
Procedure.

3. By this Application, the applicant seeks transfer of the Inquiry
Application No. 10 of 2015 filed by respondent no.2 i.e., the wife of

late Sukhdeo Mane in the Court of Civil Judge, Senior Division, Shrigonda, District -Ahmednagar to the Court of Civil Judge, Senior Division, Pimpri, District- Pune. The said Application was filed in the month of February, 2015 and it was registered on 7th March, 2015.

4. The learned Counsel for the applicant submits that the reply is filed in both the proceedings by opposite parties and the evidence yet to commence further. He admits that Misc. Application No.35 of 2015 pending in the Court of 6th C.J.S.D., Pimpri, Pune for seeking succession certificate of late Sukhdeo Mane filed by the applicant is later than the Inquiry Application No. 10 of 2015 filed by respondent no.2 in the Court of Civil Judge, Senior Division, Shrigonda, District -Ahmednagar. He submits to the order of this Court, if the Court invokes its power under Section 10 of the Code of Civil Procedure.

5. The learned Counsel for the respondents submits that respondent no.2- Manisha Sukhadeo Mane is a real wife of the deceased Sukhadeo Mane and the applicant in fact is a sister-in-law of the deceased Sukhadeo Mane, who claimed that she was having an illicit relation with the deceased Sukhadeo Mane. The applicant is

not legally wedded wife. He further submits that respondent no.1- Tanubai Lalji Mane is a mother of the deceased Sukhadeo Mane and she is 74 years old and, therefore, it is not possible for respondent no.1 to travel from Ahmednagar to Pune. He further submits that respondent no.2 is taking care of respondent no.1. At present, respondent no.1 is residing with respondent no.2. Hence, he prays that the application filed by the applicant be dismissed.

6. Considered submissions. Respondent no.1- Tanubai Mane, who is mother of the deceased Sukhadeo Mane, is 74 years old and at present, she is residing with respondent no.2 at Ahmednagar and, therefore, it is not possible for respondent no.1 to travel from Ahmednagar to Pune. Hence, the Inquiry Application No. 10 of 2015 filed by respondent no.2 in the Court of Civil Judge, Senior Division, Shrigonda, District -Ahmednagar cannot be transferred to the Court of Civil Judge, Senior Division, Pune. However, the parties in both the Misc. Civil Applications are same. The issue involved in both the Applications is same i.e., grant of succession certificate and challenge given to the status of other parties is also same. Hence, in order to avoid conflicting decisions by different Courts, the Misc. Civil

Application No. 35 of 2015 filed by the applicant in the Court of learned 6th Civil Judge, Senior Division, Pune is hereby stayed. The trial Court to expedite the matter.

7. Miscellaneous Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)