

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

WRIT PETITION NO.9521 OF 2017

M/s.Sancheti Properties & Ors.	.. Petitioners
Vs.	
Deepakkumar Ramdas Gupta & Ors.	.. Respondents

Mr.R.D.Soni i/by Ram & Co. for the petitioners.
Mr.Vaibhav Sugdhare i/by Mr.S.P.Chavan for the respondent no.1.

CORAM : R.D. DHANUKA, J.
DATE : 10th September 2018

P.C.:

1. By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the order dated 14th July 2017 passed by the Joint Civil Judge, Senior Division, Pune thereby rejecting the application filed by the petitioners (original defendant nos.11 & 12) for transferring the Special Civil Suit No.640 of 2006 filed by the respondent no.1 to the Commercial Court under the provisions of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (for short “the Commercial Courts Act”).

2. Learned counsel for the respondent no.1 fairly states that he does not dispute that the suit filed by his clients would fall under one of the categories prescribed in Section 15 of the Commercial Courts Act and is required to be transferred to the Commercial Court. Statement is accepted.

3. I therefore pass the following order :-

- (i) The impugned the order dated 14th July 2017 passed by the Joint Civil Judge, Senior Division, Pune is quashed and set aside.
- (ii) Application filed by the petitioners in Special Civil Suit No.640 of 2006 below Exhibit-177 is allowed.
- (iii) Learned Joint Civil Judge, Senior Division, Pune is directed to transmit the papers and proceedings of Special Civil Suit No.640 of 2006 to the concerned Commercial Court within two weeks from the date of communication of this order.
- (iv) The Commercial Court shall decide the said suit in accordance with the provisions of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 and shall make an endeavour to dispose of the said suit within the time prescribed under the Commercial Courts Act.
- (v) It is made clear that in view of the application filed by the petitioners itself that the suit filed by the respondent no.1 was required to be transferred to the Commercial Courts, the petitioners shall not raise an issue of jurisdiction of the Commercial Court.
- (vi) Writ petition is allowed in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.