

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

MISC. CIVIL APPLICATION NO. 52 OF 2018

Sajjan Nathmal Agarwal and Ors.

... **Applicants**

V/s.

Kirti Saroj Agarwal & Ors.

... **Respondents**

Ms.Swati Sawant for the Applicant.

Mr. Ankit Rajput I/b Hemani Jhariya for the Respondent No.1.

Ms. Pooja Thakkar I/b Bosky Thakkar for Respondent Nos. 3 and 7.

CORAM : A.M.DHAVAL, J.

DATE : 4th SEPTEMBER, 2018

P.C.:

1 Heard learned Advocate Ms. Swati Sawant for the Applicant, Advocate Ankit Rajput for Respondent No.1 and Ms. Pooja Thakkar for Respondent Nos. 3 and 7.

2 Both the parties agree that Suit No. 1362 of 2011 in this Court and Suit No. 5930 of 2007 filed in City Civil Court at Bombay are between the same parties and in respect of the same subject matter of the partition. Therefore, it is necessary that both the matters should be clubbed together and decided by one and the same Judge. Since, the City Civil Court will not have jurisdiction to hear the suit pending in the High Court, the suit pending in the City Civil Court will have to be transferred in this Court. Respondent Nos. 3 and 7 have given no

objection and Respondent No.1 also have no objection.

3 Hence, the application is allowed. Parties to appear before this Court on 3/10/2018.

4 Suit No. 5930 of 2007 pending before City Civil Court at Bombay in Court No.3 be transferred to this Court for trial along with suit No. 1366 of 2011 pending in this Court.

5 The learned Advocate for Respondent Nos. 3 and 7 submits that there is one more Testamentary Petition No. 603 of 2014 pending in this Court between the same parties with the same subject matter involving some of the parties, Respondent Nos. 3 to 7 may take appropriate steps for clubbing the same.

6 Miscellaneous Civil application is disposed off.

7 Parties are directed to appear in the High Court on 03.10.2018. The Registrar of City Civil Court at Bombay is directed to forward the record of the suit at the earliest and before 03.10.2018.

(A.M.DHAVAL, J.)