

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

**CIVIL APPLICATION NO. 435 OF 2019
IN
APPEAL FROM ORDER NO. 709 OF 2016
IN
NOTICE OF MOTION NO. 904 OF 2013
IN
SUIT NO. 3328 OF 2013**

Ismail Yakoob Payak	...Applicant/Appellant
Vs.	
Sukhdevsingh Shivrajsingh Thakur & Ors.	...Respondents

Mr.Jaideep Mitra I/b. Leena Patil for Applicant.
Mr.Navin Parekh I/b. Ms.Hetal Patel for Respondent Nos.1 to 3.
Mr.Sanskar Marathe for Respondent Nos.4 and 5.

CORAM : S.C. GUPTE, J.

DATE : 19 AUGUST 2019

P.C. :

This civil application, taken out in an appeal from order challenging an interim order passed by the Bombay City Civil Court, seeks transfer of proceedings to the Original Side and clubbing of the transferred suit along with the Appellant's Original Side suit, being Suit (Lodging) No.823 of 2016. It is not in dispute that the pending suit before the City Civil Court has been transferred to this court by an order dated 22 November 2016; though there is no formal order for clubbing of the two suits, the court has placed both suits along with the notices of motions for directions.

2 The civil application is accordingly disposed of by passing a

formal order of clubbing of the two matters, namely, City Civil Court Suit No.3328 of 2013 and Original Side Suit (Lodging) No.823 of 2016.

3 The AO to be placed on board on 16 September 2019 for admission.

(S.C. GUPTE, J.)