

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6427 OF 2014**

Pratapsingh Vrajdas Udeshi .. Petitioner

Versus

Hindustan Electro Metallica and Ors. .. Respondents

Mr. P.J. Thorat for petitioner.

Mr. S.A. Sawant I/b Sunil and Co. for respondent No.3.

Mr. Uday S. Jain I/b Nayana Desai for respondent Nos. 2A to 2D.

CORAM : K.K. TATED, J.

DATE : 25 FEBRUARY 2019.

P.C:-

. Heard learned Counsel for parties.

2. After hearing for some time, both the parties submitted Minutes of Order dated 25.02.2019 duly signed by advocate for petitioner, advocate for respondent Nos. 2A to 2D and advocate for respondent No.3. Same is taken on record and marked 'X' for identification. Same is accepted. Same reads thus :

"i) By Consent Writ Petition is allowed in terms of Prayer Clauses (a) & (b)

The same is read as under;

a) By an Order of this Hon'ble Court the records and proceedings be called for from City Civil Court at Bombay in Suit No. 8691 of 1992 to this Court.

b) That after perusing the same by an Order of this Hon'ble Court the impugned Judgment and Order dated 24th June, 2014 passed by the Learned Judge, City Civil Court at Bombay in Application Exhibit- X in Suit No. 8691 of 1992, be quashed and set aside and this Hon'ble Court be pleased to allow the Application Exhibit - X in Suit No. 8691 of 1992 filed by the Petitioner.

without prejudice to rights and contentions of the parties to the suit.

- ii) The suit shall be transferred from Bombay City Civil Court to High Court Mumbai (Original Side)
- iii) On transfer of the suit in High Court, Mumbai (Original Side) the Petitioner/ Original Plaintiff shall pay balance Court Fees within four weeks thereafter if any with liberty to respondents to raise necessary objection regarding payment of balance court fees, if necessary.
- iv) If Petitioner / Original Plaintiff fails to pay balance Court fees in four weeks the suit being Bombay City Civil Court at Bombay Suit No. 8691 of 1992 and Original High Court Suit no.1294 of 1992 shall stand dismissed.
- v) On payment of Court Fees the suit shall proceed before appropriate court.”

3. Writ petition stands disposed of in terms of Minutes of Order.

4. No order as to costs.

(K.K. TATED, J.)