

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 193 OF 2018

Smt. Nirmalaben VasANJI Thakkar
since deceased, through her heirs
and legal representatives

Smt. Kiran Mayur Daftary & Ors.

.....Applicants

V/s.

Indian Oil Corporation Ltd.

....Respondent

* * * *

Mr. Vachan Bodke a/w. Ms. Pinky Sharma i/by. V & M Legal,
Advocate for the applicants.

Mrs. Neeta Jain i/by. RMG Law Associates a/w. Mr. Sunil
Gangan and Mr. S.M. Seegarla, Advocate for the respondent.

CORAM : SANDEEP K. SHINDE, J.

Monday, 8th April, 2019.

P.C. :

1. Heard learned Counsel for the parties.
2. It is an application under Section 24 of the Civil Procedure Code for transfer of Suit No. 665 of 2000 from the Bombay City Civil Court to this Court. Initially, the suit was filed in this Court and leave was granted under Clause-12. Later, the suit was transferred to the Bombay City Civil

Court on account of increase in the pecuniary jurisdiction.

3. The learned trial Judge, having found that the suit was admitted initially in view of the order passed under Clause-12 of the Letters Patent, has framed a preliminary issue thus; “suit property being situated in Village-Thikriyari, Taluka-Wankaner, District-Rajkot, whether this Court has jurisdiction to try the suit ?”

2. The preliminary issue was framed on 20th February, 2015; whereas this application was filed on 21st August, 2015 and since pending before this Court.

3. Having regard to preliminary issued framed, the learned Judge, City Civil Court is requested to decide the preliminary issue in the subject suit No.784 of 2000 in accordance with law, as expeditiously as possible, and preferably before 28th June, 2019.

4. The Misc. Civil Application is disposed of in the aforesaid terms.

5. All contentions of the parties are kept open.

(SANDEEP K. SHINDE, J)