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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 367 OF 2019

TECHNOTRADE IMPEX INDIA PRIVATE LIMITEDAPPLICANT

V/s.

THE STATE OF MAHARASHTRARESPONDENT
THR. PRINCIPAL SECRETARY,
HOME DEPARTMENT

Mr. Ajay Basutkar for the applicant
Mr. A. R. Patil AGP for the State

CORAM : NITIN W. SAMBRE, J.

DATE: SEPTEMBER 1, 2021.

P.C.:

1] This application is moved by plaintiff in Suit No. 2873 of 2012 seeking transfer of said suit, pending on the file of Bombay City Civil Court to this Court to be heard with Commercial Suit No. 277 of 2017.

2] Subject matter of Suit No. 518 of 2012 is concerned, supply and delivery of 82 Bomb Suits and cost of Rs. 4,04,510/- incurred in

maintaining said Bomb Suits. Due to change in pecuniary jurisdiction, said suit came to be transferred to Bombay City Civil Court and renumbered as Suit No. 2873 of 2012.

3] Respondent State initiated Commercial Suit No. 277/2017 before this Court for recovery of Rs. 14,74,96,237/- for non delivery of these very 82 Bomb Suits.

4] In both the above referred suits, parties are same. The cause of action i.e. bundle of facts narrated are also similar. The claims are based on same transaction i.e. supply of bomb suits and recovery of the amount.

5] In the aforesaid background, nature of evidence in the backdrop of pleadings will be required to be appreciated so as to adjudicate the rival claims in the suit. In case if two different Courts like in this case independently deals with it, there is every likelihood of conflicting findings being recorded on the similar issues by two Courts. Rather the consolidation and transfer of the

suit recording of findings on similar issue will result in avoiding multiplicity of litigation.

6] In the aforesaid background, case for consideration under Section 24 of Code of Civil Procedure, 1908 is made out. Application stands allowed in terms of prayer clause (a) which reads thus:

“(a) That this Hon'ble Court be pleased to in exercise of its power under Section 24 of the Civil Procedure Code, 1908 read along with Section 151 of the Civil Procedure Code, 1908 transfer Suit No. 2873 pending before Court Room No. 12 of the Hon'ble Bombay City Civil Court, Mumbai to be heard by this Hon'ble Court and the same to be tagged along with Commercial Suit No. 277 of 2017 since both these suits arises from a similar set of facts and Circumstances”.

[NITIN W. SAMBRE, J.]