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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.251 OF 2021

Karamveer Kakasaheb Wagh

Education Society

V/s

Shri Narangdas Hirjibhai Ashar

and Others

....Applicant

.....Respondents

Mr. Kayval P. Shah for the Applicant.

Mr. A.R. Patil, Additional GP for the Respondent Nos. 4 and 5/State.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 02, 2022

P.C.:-

1] This application is taken out under Section 24 of the Civil Procedure Code, seeking transfer of Charity Application No.5 of 2017 pending on the file of City Civil Court, Mumbai to this Court and to be heard with First Appeal No.723 of 2015.

2] As it is claimed that there is likelihood of recording of contradictory findings on the same issue in these two proceedings and the issue raised in First Appeal No.723 of 2015 is required to be looked into while considering prayer for transfer of Charity Application No.5 of 2017. The record in relation to issue involved in

above First Appeal is not placed before this Court to verify the above submission. This very relief can also be sought by Applicant in the pending First Appeal. As such it will be appropriate in my opinion to dispose of this Application with liberty to the Applicant to move for transfer of Charity Application No.5 of 2017 in pending First Appeal No.723 of 2015.

2] Application stands disposed of in the above terms.

(NITIN W. SAMBRE, J.)