

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Misc. Civil Application (MCA) No. 466 of 2021

Mohd. Illayas Sk. Chand

Versus

Abdul Kadir Abdul Rajjak Patel and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Jagvijay Babusingh, Advocate for the Appellant.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 7th JANUARY, 2022.

By this application, the applicant has sought transfer of Regular Civil Suit No. 182 of 2018 pending in the file of Civil Judge, Senior Division, Akola to the Court of 3rd Joint Civil Judge, Senior Division, Akola where Special Civil Suit No.16 of 2015 is pending.

2. The respondent nos. 1 and 2 are duly served and not present before the Court. The impugned order indicates that parties as well as their advocates have given no objection for transfer of Regular Civil Suit No. 182 of 2018 to the Court of 3rd Joint Civil Judge, Senior Division, Akola. Learned Judge has dismissed the application on the ground of improper valuation. This Court in order dated 21st September, 2021 (Corom : Nitin Sambre, J) has recorded the statement of the counsel for the applicant

that if the objection of deficit court fee is answered against the applicant, the applicant shall deposit the Court fee as directed.

3. In the light of the said statement and also considering the fact both sides have given no objection and in order to avoid conflict in judgment it is expedient to transfer the Regular Civil Suit No. 182 of 2018 from the file of Joint Civil Judge, Senior Division, Akola to the court of 3rd Joint Civil Judge, Senior Division, Akola.

4. The application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)

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