

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 278 OF 2024

Usha Rupabhai Parmar

.. Applicant

Versus

Ashok Ladkya Tokre

.. Respondent

-
- Mr. Mahesh Rawool i/by Mr. Sachin Gawade for Applicant

.....

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 16, 2024

P. C.:

1. Heard Mr. Rawool, learned Advocate for Applicant - decree holder.

2. Applicant is an Adivasi lady, resident of Vasaiphata, Pelhar, Taluka Vasai, Dist. Thane. Mr. Rawool at the outset would draw my attention to the judgment dated 07.08.2014 in which the Application filed by the decree holder seeking transfer of Regular Darkhast No. 6/2012 from Civil Judge (J.D.), Wada to the subordinate Court in Thane came to be allowed in view of the reasons given by the Applicant for seeking transfer which are reproduced in paragraph No. 2 of the said judgment. I have perused the same.

3. Mr. Rawool would submit that pursuant to the above judgment and creation of Palghar District, Applicant now seeks transfer of the said proceedings to the Court of Civil Judge Junior Division, Palghar as Palghar is now a District and his request is made under Section 24

of the said Act. That apart another reason stated by the Applicant is the distance of 100 kilometers which the Applicant has to travel to reach the Court at Thane. Considering that the Application is filed in respect of transfer of Regular Darkhast proceedings and in view of the reasons stated in the Application, the Application deserves to be allowed. However since the Application has been filed and is heard from time to time, I am inclined to issue notice to the Respondent.

4. Hence, issue notice to the Respondent made returnable on 23.08.2021. Humdast permitted. In addition to Court's notice, Applicant is directed to serve copy of the MCA along with copy of this order on the Respondent and inform him about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date. After receiving the notice, Respondent to file affidavit-in-reply on or before the next date, if so desired with an advance copy to the Advocate for Applicant.

5. Respondent is directed to remain present either by himself or through his Advocate or through VC on the next adjourned date. It is made clear that if Respondent remains absent despite service on the next adjourned date, this MCA shall be heard and disposed of at the stage of admission in the absence of the Respondent.

6. Stand over to 23rd August, 2024.

Amberkar

[MILIND N. JADHAV, J.]

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