

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 322 OF 2024

Dalwinder Sewa Singh Sohal

.. Applicant

Versus

The State of Maharashtra & Ors.

.. Respondents

.....

- Mr. R.R. Varma a/w Mr. Sachin Suware for Applicant
- Mr. D.J. Haldankar, AGP for State

.....

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 5, 2024

P. C.:

1. Heard Mr. Varma, learned Advocate for Applicant and Mr. Haldankar, learned AGP for State.

2. Perused the affidavit of service dated 06.08.2024 which shows that Respondents have been duly served. This Application cannot be protracted any further hence taken up for hearing.

3. By the present Misc. Civil Application (MCA), Applicant seeks transfer of Suit bearing RCS No. 21/2023 pending before the Civil Judge Senior Division at CBD Belapur, Dist. Thane to Civil Judge Senior Division at Panvel, Dist. Raigad.

4. Application is filed on the basis of want of jurisdiction considering that the suit property in question is situated in Village Ulwe, Taluka Panvel, Dist. Raigad. There is an order dated 15.03.2024

passed by the learned Civil Judge Senior Division, CBD Belapur, Thane which is appended at page No. 36 of the compilation. It is passed by the concerned Court in RCS No. 21/2023 in view of the fact that power of transfer the suit proceedings is not with the District Court. In that view of the matter, the Application for transfer was rejected by the District Court.

5. In view of the above, there cannot be any impediment in allowing the present Application as it is the jurisdictional issue which has already been decided by the learned District Court in the order dated 15.03.2024. In that view of the matter, present Application stands allowed in terms of prayer clause (a) which reads thus:-

"(a) that this Hon'ble Court be pleased to transfer the Suit bearing R.C.S. No. 21 of 2023 pending to the file of Hon'ble Civil Judge Senior Division, at CBD Belapur, Dist. Thane to/before the Hon'ble Civil Judge Senior Division, at Panvel, Dist. Raigad, on such terms as this Hon'ble Court may deem fit and proper."

6. Both the Courts shall take cognizance of a server copy of this order and act accordingly.

7. MCA is allowed and disposed.

[MILIND N. JADHAV, J.]

Amberkar

RAVINDRA
MOHAN
AMBERKAR
Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date: 2024.09.06
10:43:15 +0530