

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.349 OF 2024

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Mrs.Ketaki Himanshu Thakare

...Applicant

V/s.

Himanshu Subhash Thakare

...Respondent

Mr.Sanket Garud a/w Mr.Asim Sarode:-	Advocates for Applicant.
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CORAM : S. M. MODAK, J.

DATE : 5th DECEMBER 2024

P. C. :-

1. The matter is taken on board by way of *praecipe* moved on behalf of the Applicant. The urgency is quoted because there is “No W.S.” order passed in Special Civil Suit No.583 of 2023. In that suit, present Applicant is the Defendant. By this Application, the Applicant wants transfer of that suit. At present, the suit is pending before the Court of Civil Judge, Senior Division–Thane. The prayer is for transferring the same to the Court of Civil Judge, Senior Division–Pune. It is for the reason, two proceedings are pending before the Pune Court.

2. Issue notice to Respondent returnable on **24th January 2025**. Private notice, in addition, is allowed. Affidavit of service be filed.
3. If, there is “No W.S.” order, the Applicant is required to take steps for setting it aside before Thane Court. If, the request is accepted, she can take similar steps before the Pune Court. So, the trial Court proceeding cannot be stayed.
4. This Court has experienced the tendency of litigants to take recourse to Section 24 of the Code of Civil Procedure, 1908 (“CPC”) and under the garb of obtaining stay order, they are not taking steps which they are expected to take legitimately.
5. Stand over to **24th January 2025**.

[S. M. MODAK, J.]