

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION (L) NO.941 OF 2024
IN
CHAMBER SUMMONS NO.30 OF 2020
IN
SUIT NO.3086 OF 2003**

MKR Enterprise

... Applicant/Plaintiff

Vs.

Shree Katyayani Nirman Private
Limited and ors.

... Respondents/Defendants

Mr. Arunkumar B. Kamer i/by M/s Arunkumar and Associates, Advocate for the Respondent in IAL No. 941 of 2024 and for the Plaintiff in Suit No.3086 of 2003.

Mr. Parth Shah, Advocate for the Defendant No.1.

Mr. Chetan Kapadia, Senior Advocate with Ms. Deepa Pohuja i/by M/s Law Associates, Advocates for the Applicant in Chamber Summons No.30 of 2020.

Ms. Pratibha Rupnawar with Ms. Mansi Jain i/by M/s Samatva Legal Associates, Advocates for the Defendant No.3.

Mr. Rahul Singh with Mr. Yash Naik, Advocates for the Defendant No.5.

CORAM : ABHAY AHUJA, J.

DATE : 07 FEBRUARY, 2024.

PC. :

1. This matter has been listed today under the caption "For Settlement/Consent Terms".

2. When the matter is called out, this Court's attention is drawn to a submission dated 7th February, 2024 by the Section Officer, High Court, Original Side, Mumbai, submitting that on verification of the Record and Proceedings, it is found that the suit is valued at Rs.3,72,87,086/- and therefore, the pecuniary jurisdiction of the said matter does not exceed Rs.10 crores and the aforesaid matter is required to be transferred to the Bombay City Civil Court as per notification dated 16th January, 2024.

3. Mr. Chetan Kapadia, learned senior counsel for the Applicant has endeavoured to canvass before this Court that since the Consent Terms between the Applicant, Plaintiff as well as Defendants No.1, 3 and 5 have been signed on 23rd January, 2024 seeking to partly modify the earlier consent decree dated 3rd September, 2010 which has been partly executed, and since the Chamber Summons as well as the Interim Application has been filed prior to the appointed date viz. 28th January, 2024, the same are in a way in execution. Learned senior counsel draws the attention of this Court to a decision of this Court in the case of ***Anant Narayan Kajrolkar Vs. Neeta Madhukar Kajrolkar and ors.***¹ and would submit that this Court has clearly held that Execution Applications can be entertained by this

1 2014(1) Mh.L.J.

Court despite of transfer of suits to the Bombay City Civil Court in view of the amendment to section 3 and insertion of section 4-A to the Bombay City Civil Court Act, 1948 which was concerning the earlier enhancement of pecuniary jurisdiction of the Bombay City Civil Court from Rs.10 lakhs to Rs.1 crore.

4. It is observed that the Interim Application as well as the Chamber Summons have been filed in Suit No.3086 of 2023 and admittedly there is no Execution Application pending in this Court.

5. Having heard the learned senior counsel and having considered the decision in the case of Anant Narayan Kajrolkar Vs. Neeta Mdhukar Kajrolkar and ors. (supra), I am of the view that in view of the notifications dated 20th November, 2023 and 16th January, 2024, it would be the Bombay City Civil Court that would have jurisdiction to entertain the pending Chamber Summons, Interim Application including filing of any consent terms therein in the suit.

6. Accordingly, remove the matter from board.

7. Let the parties approach the Bombay City Civil Court for filing the Consent Terms dated 23rd January, 2024.

8. Registry is required to expeditiously transfer the papers and proceedings to the Bombay City Civil Court.

(ABHAY AHUJA, J.)

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RAJESH
SOPARKAR

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