



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

FIRST APPEAL NO.608 OF 2003

[The Southern Nagpur Co-operative Housing Society Limited .vs. Shrimant Raje Laxminsingh Rao
and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.M. Ghare, Advocate for Appellant-Original Plaintiff.
Mr. S.P. Kshirsagar, Advocate a/w Mr. Sunil Patil, Advocate for Respondent Nos.5 to
8 and 11.
Mr. S.S. Hulke, Assistant Government Pleader for Respondent No.13.
Mr. A.D. Mohgaonkar, Advocate for Respondent No.17.

CORAM : SANJAY A. DESHMUKH, J.
DATE : 19th DECEMBER, 2024.

1. Heard the learned advocates for both the sides. They submit to transfer this appeal to the District Court, Nagpur on the point of pecuniary jurisdiction.
2. By an order dated 19.10.2012 passed in M.C.A. No.768/2012, this appeal was recalled by this court for decision of Civil Application (CAF) No.1253/2013 and Civil Application (CAF) No.1252/2013. These two applications are decided by this court by the order dated 02.08.2024 and 02.12.2024.
3. The pecuniary jurisdiction of the District Court for the purposes of appeal, as per the Office Circular dated 01.09.2015, is of Rs.1,00,00,000/-. The subject matter of the suit upon which this appeal is preferred, is valued is of Rs.4,35,000/-. Now Civil Application (CAF) Nos.1252/2013 and 1253/2013 are decided. The purpose of transfer of the appeal from first appellate court/district court to this court is over.

4. Considering the pecuniary jurisdiction that it has been increased, as per the Office Circular dated 01.09.2015, this First Appeal must be decided by the District Court, Nagpur. Therefore, this first appeal deserves to be transferred to the District Court, Nagpur on the point of pecuniary jurisdiction for final decision. This appeal be transferred accordingly.

5. This appeal is of the year 2003. More than 21 years are over. Therefore, the learned Principal District Judge, Nagpur is directed to allot this appeal to any of the District Judge to whom other matters are not allotted for decision, as per the directions of the Hon'ble Supreme Court or this High Court, so that this appeal can be decided, as expeditious as possible, and in any case on or before 30th April, 2025.

6. Registry is directed to communicate this order and transmit all the documents/file to the District Court, Nagpur.

7. It is clarified that the compromise was recorded by this court, however, the District Court, Nagpur which will preside over to decide this appeal, may decide its legality or illegality, if it is challenged as per the law and if law permits without having any pressure that compromise had been recorded by the High Court.

8. Record and proceedings should be sent back to the District Court, Nagpur.

(SANJAY A. DESHMUKH, J.)