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936-MCA-172-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 MISC.CIVIL APPLICATION NO. 172 OF 2025

Pushpa W/o Goutam Dehre And Others

VERSUS

Deepak Goutam Dehare And Ors

...

Mr. Hrishikesh V. Tungar, Advocate for Applicant.

Mr. A. S. Avhad, Advocate for Respondent Nos. 1 to 3.

CORAM : KISHORE C. SANT, J.

DATE : 11th SEPTEMBER 2025.

PC :-

1. Heard the parties.
2. This application is filed seeking transfer of the appeal bearing RCA No. 86 of 2025 from the court of learned Additional District Judge, Paithan, to the court of learned Additional District Judge at Aurangabad.
3. The true facts necessary for deciding the application are that the suit was filed by the present respondent in the Court at Aurangabad for partition and separate possession. The said suit was filed in the Court at Aurangabad bearing RCS No. 40 of 2017. That suit came to be

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dismissed. It is an admitted position that the major properties are within the jurisdiction of the Court at Aurangabad. Some part of the properties also falls within the jurisdiction of the learned Civil Judge Senior Division, Paithan. The suit came to be dismissed by order dated 23rd March 2022. The respondent therefore filed appeal in the Court of learned District Judge at Aurangabad. However, after establishment of the court of Additional District Judge, Paithan in April 2025, the appeal is transferred to the Court at Paithan.

4. The learned Advocate for the applicant submits that when the decree was passed by the learned Civil Judge Senior Division, Aurangabad, only the District Judge Aurangabad would have the jurisdiction to decide the appeal. He further submits that the when the suit was filed in Aurangabad, it could have also been filed in the Court at Paithan. Now, having chosen the court at Aurangabad, it was not open for any of the parties to file an appeal in the Court at Paithan. However, by an administrative order, the appeal is transferred without any request by any of the parties. The learned Advocate submits that the propriety

and convenience required that the appeal be heard by the court at Aurangabad.

5. Learned Advocate for the respondent fairly accepts this position. On instructions from his client, he submits that it is convenient for the respondent as well if the appeal is heard at Aurangabad.

6. Considering above, this Court finds that the application deserves to be allowed. The application stands allowed.

7. The proceeding of RCA No. 86 of 2025 pending in the court of learned Additional Sessions Judge, Paithan be transferred to the court of learned Additional District Judge, Aurangabad.

8. With this, application stands disposed off.

[KISHORE C. SANT, J.]