

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 45 OF 2025****SAROJ OMPRAKASH BOOB****..... APPLICANT****VERSUS****SAJJAD AHMED AMIR SAYYED****..... RESPONDENT**

Adv. Omkar Nagvekar i/b. Adv. Prabha Badadare for the Applicant.

CORAM : RAJESH S. PATIL, J.**DATE : 21 NOVEMBER, 2025****P.C. :-**

1) Mr. Nagvekar, learned advocate appearing for the applicant has tendered a copy of the order dated 8 September, 2025 passed by the 5th Joint Civil Judge Senior Division, Pune. He submits that by the said order dated 8 September, 2025, the suit filed by the respondent before the Civil Judge Senior Division, Pune has been dismissed. He submits that in the present transfer proceedings, the applicant has sought transfer of the suit which was filed before the Civil Judge Senior Division, Pune. As also transfer of recovery proceeding filed by the respondent before the Bombay City Civil Court to be transferred to the Civil Judge Senior Division, Pune.

2) He submits that since one of the proceeding filed by the

respondent has already stands dismissed, therefore the present Miscellaneous Civil Application has become infructuous. However, the applicant has an apprehension that once the present Miscellaneous Civil Application is disposed of, the respondent will file an application for restoration of the suit. Therefore, he is seeking liberty to permit the applicant to withdraw the present Miscellaneous Civil Application and file a fresh Miscellaneous Civil Application as and when need arises.

2.1) Leave and liberty as prayed granted.

3) The present **Miscellaneous Civil Application** stands **disposed of** with liberty to file a fresh application as and when the need arises.

[RAJESH S. PATIL, J.]