



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 266/2024

AMINBHAI HOLIABHAI PATEL

..APPLICANT

VS

VAJIRBHAI PARSHOTTAMBHAI PATEL

..RESPONDENT

Adv. Shraddha Pawar i/b. Adv. Dilip Bodake for applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 5 DECEMBER 2025.

P.C. :

1. On 14 November 2025, the following order was passed :

- 1) *Ms. Pawar, learned advocate holding for Advocate Bodake submits that the respondents have been duly served with court's notice. She submits that the present proceeding has been filed seeking a transfer of the civil appeal pending before the Dadra and Nagar Haveli District Court to this Hon'ble Court and to be heard alongwith First Appeal No. 534 of 2021 and First Appeal No. 626 of 2021.*
- 2) *Since none appears for the respondents though duly served, the advocate for the applicants are directed to serve a copy of the present proceeding again to the respondents' advocate by private service and file affidavit of service before the next date of the hearing.*
- 3) *Stand over to 5 December, 2025.*
- 4) *Ad-interim relief granted earlier, if any, to continue till further orders.*

2. Ms. Pawar, learned counsel appearing for the applicant has tendered an affidavit of service dated 26 November 2025. The said affidavit of service shows that learned counsel for the respondents has been duly served and he has acknowledged the service of the

Misc. Civil Application. However, though the respondents have been duly served, so also learned counsel for them in appeals pending before this Court has been duly served, they have thus not appeared in the present proceeding. It is presumed that the respondents are not interested in opposing present Misc. Civil Application.

3. Ms. Pawar further submits that there are already two first appeals pending before this Court filed by the applicant. The applicant is seeking transfer of the appeal which is pending before the District Court, Dadra and Nagar Haveli, Silvassa, filed by the respondent. She submits that the suit property involved in all three suits/appeals, is one and the same i.e. land bearing Survey No.450/1/2 situated at Village Masat (Dadra and Nagar Haveli, Silvassa). She submits that since the suit property is one and the same in all the three appeals, it makes sense that all three appeals, two pending before this Court and one pending before the District Court, to be tagged and heard together.

4. Having heard Mr. Pawar, learned counsel appearing for the applicant and considering the fact that in all three proceedings, the parties being same, so also, the suit premises being the same, in order to have uniformity and consistency and to avoid conflicts of different

judgments being passed, I am of the view that the appeals pending before the District Judge, Dadra and Nagar Haveli, Silvassa be transferring to this Court and to be heard along with First Appeal No.534/2021 and First Appeal No.626/2021.

5. Present Misc. Civil Application stands allowed in terms of prayer clause (b).

6. The proceedings of Regular Civil Appeal No.5 of 2020 pending before the District Court, Dadra and Nagar Haveli, Silvassa be transferred within four weeks from today and being clubbed and heard together with First Appeal No.534/2021 and First Appeal No.626/2021.

7. Present Misc. Civil Application is disposed of accordingly.

(Rajesh S. Patil, J.)