



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
MISC. CIVIL APPLICATION NO.273 OF 2024**

|                             |     |            |
|-----------------------------|-----|------------|
| Vinda Sharad Kadam @ Ujwala |     |            |
| Mahadev Darekar             | ... | Applicant  |
| versus                      |     |            |
| Milind Mahadev Darekar      | ... | Respondent |

Mr. Shishir Joshi i/by Ms. Priti Joshi, for Applicant.  
Ms. Swati Sawant, for Respondent.

**CORAM: N.J.JAMADAR, J.**

**DATE : 4 APRIL 2025**

**P.C.**

1. Heard the learned Counsel for the parties.
2. This is an application for transfer of Suit No.495 of 2024 instituted by the Applicant before the City Civil Court, Bombay to this Court as Testamentary Petition No.1509 of 2019 which has been converted into Testamentary Suit No.138 of 2023 is, subjudice before this Court.
3. Learned Counsel are in unison on the point that TS No.138 of 2023 is required to be decided first as the outcome of the said Suit would bear upon Suit No.495 of 2024 instituted by the Applicant-Plaintiff for partition.
4. Since the fate of Suit No.495 of 2024 hinges upon the determination of TS No.138 of 2023 and common questions may arise for determination, it may be expedient in the interest of justice that Suit No.495 of 2024 is transferred to this Court.

5. In view of the provisions of Section 12 of the Bombay City Civil Court Act, 1948, this Court is empowered to withdraw any suit from the City Civil Court and try the same for a special reason. Pendency of TS No.138 of 2023, the outcome of which will bear upon the result of Suit No.495 of 2024, constitutes a special reason. I am, therefore, inclined to allow the application.

6. Hence, the following order :

**ORDER**

- (i) The application stands allowed.
- (ii) Suit No.495 of 2024 pending on the file of City Civil Court, Dindoshi, Bombay, stands transferred to the High Court on its Original Side.
- (iii) The said Suit be heard along with TS No.138 of 2023.
- (iv) No costs.

**( N.J.JAMADAR, J. )**