

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.394 OF 2024

Vijay Kanhaiyalal Shrimali and Anr. ...Applicants

vs.

Taksha Spaces Private Limited and Ors. ...Respondents

Mr. Bhanu Chopra i/b. Ms. Trupti Shetty, Mr. Danovy Creado and
Ms. Samta Pathare, for the Applicants.

CORAM : N. J. JAMADAR, J.

DATE : FEBRUARY 7, 2025

P.C:

1. This is an application under section 24 of the Code of Civil Procedure, 1908 for transfer of Suit No. 0103197 of 2024 (HC Suit No. 140 of 2022) from the file of City Civil Court to this Court for hearing and disposal along with the connected suit and proceedings which are pending before this Court.

2. The applicants/ plaintiffs instituted Suit No. 140 of 2022 before this Court for specific performance of the Agreement for Sale dated 16th March, 2020 in respect of Flat No. 1404, B Wing, Kala Building, then being developed by defendant Nos. 1 and 2. Similar suits have been filed by various flat purchasers in respect of redevelopment of "Govardhangiri CHS". All the suits had been tagged together. Since the claim in the suit instituted by the plaintiff was valued Rs. 1.77 Crores only, with the enhancement in the pecuniary jurisdiction of the City Civil Court, the suit came to be

transferrred to the City Civil Court.

3. The plaintiff asserts that the Suit No. 140 of 2022 was tagged with Suit No. 41 of 2021 wherein the applicants herein have been impleaded as defendant Nos. 23 and 24, respectively. Identical questions of facts and law would arise for adjudication in the Suit No. 0103197 of 2024 (HC Suit No. 140 of 2022) and the suits which are still pending on the file of this Court. Resultantly, there is an imminent possibility of conflicting decisions.

4. The respondents have been served. Affidavit of service has been filed. None appears for the respondents.

5. From the perusal of the material on record, it appears that the instant suit was being heard alongwith connected suit and proceedings (a list of which is furnished at Exhibit A) before the suit came to be transferred to the City Civil Court on account of enhancement in the pecuniary jurisdiction of the City Civil Court. It seems that identical questions of facts and law would arise for adjudication in the instant suit and the suit and proceedings which are pending on the original side of this Court.

6. I find substance in the submission on behalf of the applicants that there is a possibility of conflicting decisions. It would, therefore, be expedient in the interest of justice that the Suit No. 0103197 of 2024 (HC Suit No. 140 of 2022) is transferred back to

this Court for hearing and disposal in accordance with law alongwith related suit and proceedings, a list of which is annexed at Exhibit A to the application.

Hence, the following order.

ORDER

- 1] Application stands allowed in terms of prayer clause (a).
- 2] The learned Judge, City Civil Court shall transfer the record and proceeding in Suit No. 0103197 of 2024 (HC Suit No. 140 of 2022) with such dispatch that it reaches this Court within a period of two weeks from the date of uploading of this order.

Application disposed.

(N. J. JAMADAR, J.)