



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.434 OF 2024**

Shakti Holdings ... Applicant
versus
Kalpavruksha Developers and Ors. ... Respondents

WITH
MISC. CIVIL APPLICATION NO.443 OF 2024

Pravin B. Chheda ... Applicant
versus
Kalpavruksha Developers and Ors ... Respondents

Mr. Prathamesh Kamat (through VC) with Ms. Deeksha D. Singh i/by Phoenix Legal, for Applicants.

Ms. Rujuta Patil i/by Negandhi Shah and Himayatullah, for Respondent No.9 in MCA No.434 of 2024 and for Respondent No.8 in MCA No.443 of 2024.

CORAM: N.J.JAMADAR, J.

DATE : 4 APRIL 2025

P.C.

1. Heard the learned Counsel for the parties.
2. These applications are for transfer of Commercial Suit Nos.1146 of 2018 and 1137 of 2018 from the City Civil Court to this Court.
3. The above suits were initially filed before this Court along with Commercial Suit No.1203 of 2018 (Kalpana Morparia V/s. Kalpavruksha Developers and Ors). The said suits along with the other suits were tagged with Commercial Suit No.1203 of 2018. On 27 October 2021, this Court has approved the Scheme for financing the completion of Kalpavruksha Tower, Mumbai. In view of the enhancement in the pecuniary jurisdiction of the City

Civil Court, the suits came to be transferred to the City Civil Court, Bombay. However, the main suit i.e. Commercial Suit No.1203 of 2018 and the other suits, continue to remain on the file of this Court. It is, therefore, necessary to transfer Commercial Suit Nos.1146 of 2018 and 1137 of 2018 from the City Civil Court to this Court.

4. Under Section 12 of the Bombay City Civil Court Act, 1948, the High Court is empowered to withdraw a suit from the City Civil Court and try the same for a special reason. Since all the suits were tagged together and were heard along with Commercial Suit No.1203 of 2018, it would be expedient in the interest of justice that Commercial Suit Nos.1146 of 2018 and 1137 of 2018 are transferred to this Court for hearing and disposal along with Commercial Suit No.1203 of 2018.

5. Thus, the applications stands allowed.

6. Commercial Suit Nos.1146 of 2018 and 1137 of 2018 stand transferred from the City Civil Court, Mazgaon, Bombay, to this Court.

7. The Judge, City Civil Court, Mazgaon, Bombay, shall transfer the record and proceedings in Commercial Suit Nos.1146 of 2018 and 1137 of 2018 with such dispatch that it reaches this Court within a period of four weeks from the date of communication of this order.

8. No costs.

(N.J.JAMADAR, J.)