

Arun Sankpal

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 547 OF 2024

Mukesh Ramanlal Gokal & Anr	..Applicants
Versus	
Anand Investments Pvt Ltd & Ors	...Respondents

WITH
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Mr. Aurup Dasgupta, with Shrui Sardesai, Drshika Hemani & Prapti Bhadra, i/b M/s Jhanginai, Narula & Asso, for the Applicant in all matters.

Ms. Astha Tahmankar (through V.C.), with Deepali Kavi, Sameer Chitnis & Omkar Dandekar, i/b M/s Chitnis & Co, for Respondent No.1 in all matters.

Adv. Himang Malik, i/b Bharucha & Partners, for Respondent Nos. 13A & 13B in all matters.

Ms. Kajal Gupta, with Shweta Singh, i/b M.V. Kini & Co, for Respondent No.14 in all matters.

ARUN
RAMCHANDRA
SANKPAL

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ARUN RAMCHANDRA
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CORAM: N. J. JAMADAR, J.
DATED : 3 JANUARY 2025

P.C.:

1. These Applications are filed seeking transfer of original High Court Suit Nos. 850 of 2013, 849 of 2013, 28 of 2022 and 22 of 2022, respectively, from the City Civil court to this Court.

2. The above-numbered Suits were initially instituted in this Court. With the enhancement of the pecuniary jurisdiction of the City Civil Court, the above-numbered Suits have been transferred to the City Civil Court.

3. It is submitted that there were in all 12 connected Suits. All the 12 Suits were being tried together pursuant to an administrative order. Out of those 12 Suits, the above-numbered four Suits have been transferred to the City Civil Court and the rest eight Suits await adjudication by the High Court on its Original Side.

4. The parties to the Suits are ad-idem that the above-numbered Suits need to be re-transferred to the High Court for trial and decision along with eight Suits which are still on the file of this Court.

5. The learned Counsel for the parties submit that common question of facts and law are likely to arise and there is commonality of the subject matters of all the twelve Suits.

6. I have perused the pleadings and the material on record. It appears all the twelve Suits were directed to be tried together. The issues that may warrant adjudication in the four Suits which have been transferred to the City Civil Court and the Suits which remain on the file

of this Court are interconnected, interwoven and intertwined. A decision in one Suit may have a bearing on another. Thus there is a possibility of conflicting decisions if the Suits are decided by this Court and City Civil Court at different points of time.

7. It would, therefore, be expedient in the interest of justice that the above-numbered Suits are re-transferred to this Court for hearing and final disposal in accordance with law, alongwith the other Suits which are pending on the file of this Court. Hence the following order:

O R D E R

- (i) The Applications stand allowed in terms of prayer clause (a) in each of the Applications.
- (ii) No costs.
- (iii) Applications disposed.

[N. J. JAMADAR, J.]