

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 176 OF 2025

Ashok Mohandas Sangtani ..Applicant

Versus

Jaikishan Mohandas Sangtani ...Respondent

Mr. Arup Dasgupta, with Sheetal Shah and Megha C, i/b M/s Mehta & Girdharlal, for the Applicant.

Adv Sairuchita Chowdhary, h/f Shekhar Jagtap, for Respondent Nos. 1 and 2.

Adv Drshika Hemnani, i/b M/s Jhangiani, Narula & Associates, for Respondent Nos. 3, 5 and 6.

CORAM: N. J. JAMADAR, J.

DATED : 5th MAY 2025

P.C.:

- 1.** Mentioned out of turn.
- 2.** Heard the learned Counsel for the parties.
- 3.** This is an application for transfer of Suit No. 3326 of 2024 (High Court Suit No. 942 of 2014) from the City Civil Court, Bombay to the High Court on its Original Side, for hearing and disposal along with Testamentary Suit No. 31 of 2016.
- 4.** Suit No. 3326 of 2024 was initially filed in this Court. In view of the enhancement of the pecuniary jurisdiction of the City Civil Court, the said Suit came to be transferred to the City Civil Court, Bombay.

ARUN
RAMCHANDRA
SANKPAL

Digitally signed by
ARUN
RAMCHANDRA
SANKPAL
Date: 2025.05.05
19:05:09 +0530

- 5.** The learned Counsel for the parties submit that the parties have amicably resolved the disputes and Consent Terms have been executed.
- 6.** The learned Counsel for the Respondent Nos. 1 and 2, on instructions, submits that the Respondent Nos. 1 and 2 who are the main contesting Respondents have no objection to transfer the Suit from the City Civil Court, Bombay to the High Court.
- 7.** The learned Counsel for Respondent Nos. 3, 5 and 6, also submits that Respondent Nos. 3, 5 and 6 have no objection to transfer the Suit.
- 8.** Respondent No. 4 is reported to be dead.
- 9.** Respondent No. 7-society has conveyed its consent for the transfer of the Suit vide letter dated 28th April 2025. The learned Counsel for the Applicant seeks leave to tender the letter on record.

Leave granted. Letter is taken on record.

- 10.** Respondent Nos. 8 to 11 were the paying guests in the premises who have been ordered to be vacated by the High Court, from this premises and have, accordingly, vacated the premises.
- 11.** The learned Counsel for the parties submit that the principal contest is between the Applicant and Respondent Nos. 1 and 2. A joint submission was made that the parties have amicably resolved the dispute and Consent Terms have been executed.
- 12.** Under the proviso to Section 12A of the Bombay City Civil Court Act, 1948, for any special reason, the High Court may remove any Suit

or proceeding from the City Civil Court for trial by itself. The fact that a Testamentary Suit No. 31 of 2016 is pending before this Court and the Suit No. 3326 of 2024 (High Court Suit No. 942 of 2014) was being heard along with the Testamentary Suit No. 31 of 2016 and the parties have amicably resolved the dispute and Consent Terms have been executed, constitute special reasons for the removal of Suit No. 3326 of 2024 from the City Civil Court to the High Court for hearing and disposal along with Testamentary Suit No. 31 of 2016.

13. Hence the following order:

: O R D E R :

(i) The Application stands allowed in terms of prayer clause (a).

(ii) The learned Judge, City Court, seized with Suit No. 3326 of 2024, is requested to transfer the record and proceedings in Suit No. 3326 of 2024, forthwith.

Application disposed.

[N. J. JAMADAR, J.]