



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 236/2025

RASHMI PREM BHANDARI

..APPLICANT

VS

TAKSHA SPACES PVT LTD & ORS.

..RESPONDENTS

Mr. Amogh Patkar i/b. Mr. Rishi Bekal for applicant.

Ms. Nikita Vardhan a/w. Ms. Stuti Menon i/b. Kanga & Co. for
respondent no.6.

CORAM : RAJESH S. PATIL, J.

DATE : 24 NOVEMBER 2025.

P.C. :

1. By present Misc. Civil Application the applicant is seeking transfer of Civil Suit No.2621 of 2004 pending before the 1st Additional Principal Judge, City Civil Court at Dindoshi, Mumbai, to be transferred to High Court and be heard with the suits which are pending before this Court. A list of which has been enclosed as Exhibit – 'A' to the Misc. Civil Application. For ease of reference, the scanned copy of Exhibit 'A' is reproduced herein below :-

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EXHIBIT - A

EXHIBIT NO.			
Details of Individual Suit Filed by Flat Purchasers in Goverdhan Giri Co-Op.HSG, (Re-Development) Bangur Nagar, Goregaon (W), Mumbai			
Sr.No.	Particulars	Suit No.	Flat No.
1	Narozad Realty P. LTD. Versus Taksha Spaces P.Ltd. & Ors.	Suit (L) No.41 of 2021	Kala 1602,1701,1702
2	Ajay Suvama & Anr Versus Taksha Spaces P.Ltd. & Ors.	Suit (L) No.12865 of 2021	Kala 1401
3	Madhu Punjabi & Anr Versus Taksha Spaces P.Ltd. & Ors.	Suit (L) No.12866 of 2021	Kala 1503
4	Sahyam Shah Versus Taksha Spaces P.Ltd. & Ors.	Suit (L) No.12867 of 2021	Krsna 1302
5	Sahyam Shah Versus Taksha Spaces P.Ltd. & Ors.	Suit (L) No.12868 of 2021	Krsna 1302
6	Forest Realty Versus Taksha Spaces P.Ltd. & Ors.	Suit (L) No.12870 of 2021	Krsna 1401,1402
7	Sandeep Tekle & Anr. Versus Taksha Spaces P.Ltd. & Ors.	Suit (L) No.12871 of 2021	Kala 1504
8	Praveen Pramod Kumar Jain Versus Taksha Spaces P.Ltd. & Ors.	Suit (L) No.12873 of 2021	Krsna 1403
9	Sunny Shah Versus Taksha Spaces P.Ltd. & Ors.	Suit (L) No.12874 of 2021	Kala 1402
10	Anita Modi & Anr. Versus Taksha Spaces P.Ltd. & Ors.	Suit (L) No.13049 of 2021	Kala 1603
11	Rang Industrial & Development Project p.ltd. Versus Taksha Spaces P.Ltd. & Ors.	Suit (L) No.13050 of 2021	Krsna 1404,1501,1502, 1503,1504,1601,1602, 1603,1604
12	Rahul Lohia Versus Taksha Spaces P.Ltd. & Ors.	Suit (L) No.13052 of 2021	Krsna 1701,1702, 1801,1802
13	Ajay Lohia Versus Taksha Spaces P.Ltd. & Ors.	Suit (L) No.13053 of 2021	Krsna 1703,1704
14	Gautam Nagpal Versus Taksha Spaces P.Ltd. & Ors.	Suit (L) No.13054 of 2021	Kala 1403

True Copy


 Advocate

2. Mr. Patkar, learned counsel appearing for the applicant submits that this Court by an order dated 7 February 2025 passed in Misc. Civil Application No. 394 of 2024 has transferred suit filed by one of the flat purchasers. The said order dated 7 February 2025 reads as under:-

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 transferred 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.

2.1 Mr. Patkar further submits that the present applicant had entered into the registered agreement of sale with respondent no.7, developer, for purchasing Flat No.1703 in Kala building in Goverdhangiri Redevelopment project, Goregaon (West), Mumbai. The respondent nos.1 and 7 are developers and builders, respondent no.2 is a co-operative housing society and respondent nos.3 and 5 are the directors of respondent no.1. The respondent no.4 is erstwhile director of respondent no.1 company and the respondent no.8 is a director of respondent no.7. Respondent no.6 is a banking company, who has advance loans to respondent no.1 – company.

2.2 The applicant had purchased subject flat from the respondent no.1 which is part of the “Developer Area”. As the flat purchasers were not handed over their respective flats, they have filed the suit against the developers and other respondents herein. All the suits have been initially filed before this Court, and due to change in the

pecuniary jurisdiction of the Bombay City Civil Court, few of the suits were transferred to the Bombay City Civil Court. By an order dated 7 February 2025, one of the flat purchaser's suit was transferred back to this Court and to be heard along with batch of other suits pending before this Court.

3. In view of the same, **present Misc. Civil Application stands allowed in terms of prayer clause (a) and disposed of accordingly.**

(Rajesh S. Patil, J.)