

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO. 396 OF 2025

**ANAND
SUDHAKAR
SUDAME**

Kamlesh Bherumal Jain & ors.

..Applicants

Versus

Purshottam Vishandas Raheja & ors.

..Respondents

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Date: 2025.09.25
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Ms. Sakina Electricwala i/b. Avyaan Legal, Advocate, for the Applicants
Mr. Chaitanya Bhandarkar i/b. Numen Law Offices, Advocate, for
Respondent No. 2

Ms. Soniya Putta a/w. Ms. Souparnika S. & Ms. Priyanka Singh i/b.
M/s. Solomon & Co., Advocates, for Respondent Nos. 3 to 5

CORAM : RAJESH S. PATIL, J.

DATE : 23.09.2025

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1. Ms. Electricwala, learned Counsel appearing for the Applicants submits that she is seeking transfer of 10 Suits (the details of which are mentioned in paragraph No. 12 of page No. 12 of the Application) from the Bombay City Civil Court to this Hon'ble Court. She submits that originally, all these 10 Suits were filed before the Bombay High Court and on 14.12.2018, all these 10 Suits filed by the Applicants – Purchasers were heard together. She further submits that thereafter, these Suits were heard together on Interim Applications along with Suit No. 2509 of 2011 filed by Respondent Nos.1 & 2. She submits that the Suit filed by Respondent Nos. 1 & 2, being Suit No. 2509 of 2011 is

pending before this Court and her clients are seeking transfer of their Suits with a prayer that they be heard along with Suit filed by Respondent Nos. 1 & 2, being Suit No.2509 of 2011. She submits that the issues amongst the Suits filed by her clients and the Suit filed by Respondent Nos. 1 & 2 are almost common. The prayers sought by her clients are for declaration that Articles of Agreement dated 17.08.2010 is valid, binding and subsisting upon the Defendants therein. Insofar as the Suit filed by Respondent Nos. 1 & 2 is concerned, a relief has been sought that the impugned Agreement executed by late Shrichand (brother of Respondent No. 1) and/or Respondent Nos. 3 to 5, who are legal heirs of late Shrichand in favour of the Applicants herein, are illegal, null and void. She has relied upon the decision of the Hon'ble Supreme Court in the case of *Chitivalasa Jute Mills vs. Jaypee Rewa Cement*, reported in *(2004)3 SCC 85*. She has also relied upon the decisions of learned Single Judge of this Court in the case of *Sheth Builders Private Limited vs. Michael Gabriel and Others*, reported in *2018 SCC OnLine Bom 15246* and in the case of *Hakeem Food Products Pvt. Ltd. vs. Chirag International*, reported in *2018 SCC OnLine Bom 12496*.

2. She submits that no prejudice would be caused to Respondent Nos. 1 & 2. She submits that Respondent Nos. 3 to 5 with whom all the

Applicants have entered into an Agreement are not opposing the present transfer Application.

3. Stand over to **29.09.2025**.

(RAJESH S. PATIL, J.)