

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 407 OF 2025

Rakesh Shah ..Applicant

Versus

Parwan Constructions Pvt. Ltd. ..Respondent

WITH

MISCELLANEOUS CIVIL APPLICATION NO. 408 OF 2025

Giriraj Holdings Pvt. Ltd. ..Applicant

Versus

Parwan Constructions Pvt. Ltd. ..Respondent

WITH

MISCELLANEOUS CIVIL APPLICATION (ST) NO. 32298 OF 2025

New Golden Transport Company ..Applicant

Versus

Parwan Constructions Pvt. Ltd. ..Respondent

WITH

MISCELLANEOUS CIVIL APPLICATION (ST) NO. 32299 OF 2025

Ranjitsingh Linga ..Applicant

Versus

Parwan Constructions Pvt. Ltd. ..Respondent

Ms. Sunaina Chakravarty i/b. Mr. Jitesh Agarwal, Advocates, for the
Applicants

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CORAM : RAJESH S. PATIL, J.

DATE : 26.11.2025

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1. On 24.11.2025 in the above proceeding, the following order was passed which reads thus :-

“1. Mr. Agarwal, learned counsel appearing for the applicants, submits that he had briefed a counsel in the present proceedings, but unfortunately, the counsel expired two days ago.

2. In the similar facts of the Misc. Civil Application where the respondents are the same, I have passed an order on 14 October 2025. The said order reads as under :-

1. These two applications are filed by the applicants under Section 24 of the Code of Civil Procedure.

2. For the sake of convenience, the facts of Misc. Civil Application No.284 of 2024 are taken into consideration.

3. The applicant who is plaintiff in Suit No.2576/2024 pending before the City Civil Court at Bombay seeks transferred of the suit back to the High Court at Bombay.

4. Only ground on which the transfer is sought is that by an order dated 1 March 2018, passed in eleven transferred petitions, this Court had transferred back eleven suits to be heard by this Court along with the suit which was then numbered as Suit No.4559 of 1995, as well as with Writ Petition No. 8329 of 2011 pending below this Court. Subsequently, by an order dated 4 April 2018, passed in Misc. Civil Application St. No.22521 of 2017, a Single Judge of this Court refused to transfer the City Civil Court Suit No.3063 of 2016 on the ground that though eleven suits were transferred to this Court but Suit No.3063 of 2016 is valued before Rs.1 crore and the pecuniary jurisdiction of the City Civil Court at that time was Rs.1 crore. The said order passed by this Court dated 4 April 2018 was challenged before the Supreme Court by way of a SLP (c) No.23616/2018 (Civil Appeal

No.752/2020). The Supreme Court by its order set aside the order dated 4 April 2018 passed by the Single Judge of this Court and directed that Suit No.3063/2016, be heard along with eleven suits by this Court. Earlier, a Single Judge of this Court while hearing Writ Petition No.8329/2011, which challenged the judgment and order dated 27 September 2011 passed by the Minister for Co-operation, Maharashtra State by which the Revision Application No. 187 of 2011 was allowed, and the society was directed to be registered. While granting Rule, this Court (on 12 January 2012) directed that in the fitness of things, the hearing of the Writ Petition will await the decision of the suit after they are transferred. Paragraph Nos.8 and 9 of the said order read as under:-

8 In view of the fact that the controversy involved in the 12 Suits which are mentioned on page 14 of the Petition and the Suit No. 4559 of 1995 filed by Mr. Sunder G. Golani is in respect of the same property and in view of the fact that common questions of law and fact will arise, with a view to avoid contradictory orders, it is necessary that this Writ Petition is heard alongwith the Suit No. 4559 of 1995 and the 12 suits mentioned on the page 14 of the Petition. All these suits are pending on the original side and hence, in the fitness of things, this Petition should be heard alongwith the said suits so that they can be considered by the learned single Judge, hearing the suits as and when the suits are taken up for hearing.

9 In the event the suits are transferred to the City Civil Court, on account of implementation of the enactment regarding enhancement of jurisdiction it is obvious that this writ Petition cannot be transferred to the City Civil Court. In such situation, it would be in the fitness of things that the hearing of this Petition awaits the decision of the suits after they are transferred.

5. The claim in all these suits is below Rs.10 crores as of date, therefore, it is only the City Civil Court at Bombay

would have jurisdiction to try and entertain these suits.

6. By Notification dated 28 January 2024, the pecuniary jurisdiction of the City Civil Court at Bombay has been enhanced to Rs.10 crores, hence out of these thirteen suits, seven suits have already been transferred by the Registry of this Court to the City Civil Court at Bombay. Therefore, according to me, these suits have been rightly transferred to the City Civil Court at Bombay. Hence, I find no merits in the present applications and the same stand rejected.

7. Since the original suits are filed in the year 1995 before this Court and now being transferred to the City Civil Court, they are re- numbered as suits filed in the year 2024, hence all the suits need to be clubbed together and heard expeditiously, treating them as suits filed in the year 1995.

8. B.C.C.C. Suit No. 2576 of 2024 to be tagged together and heard along with B.C.C.C. Suit No.1032 of 2024, expeditiously.

9. The Misc. Civil Applications are dismissed.

3. Mr. Agarwal, learned counsel appearing for the applicants submits that the order dated 14 October 2025 passed by this Court in Misc. Civil Application No.284/2025 and Misc. Civil Application No.310/2025 has been challenged by filing Special Leave Petition before the Supreme Court. However, when I was dictating this order, Mr. Agarwal intervenes and states that the Special Leave Petition has not been filed and is in the process of being filed.

4. This Court expected Mr. Agarwal to be fair. His conduct is not appreciated. However, in fairness, I am granting only two days time for the applicants to engage a counsel in the present proceeding.

5. *Stand over to 26 November 2025.*

2. Today, Ms. Chakravarty, learned Counsel for the Applicants submits that as of today, the Applicants have not filed Special Leave Petition in the Supreme Court challenging the order dated 14.10.2025 passed in MCA Nos. 284 of 2025 and MCA No. 310 of 2025.

3. In view of the order passed by this Court on 14.10.2025, wherein facts of the said case are identical to the present Application

4. The Miscellaneous Civil Applications stand dismissed.

(RAJESH S. PATIL, J.)