

Sharada

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.2882 OF 2025
IN
SUIT NO.2347 OF 2005

Vasumati Jagdish Shah, and Ors.

...Applicants / Org.
Defendant Nos.1(a)
to 1(c)

SHARADA
RANGNATH
WAHULE

Digitally signed by
SHARADA
RANGNATH WAHULE
Date: 2025.08.07
17:55:55 +0530

IN THE MATTER BETWEEN:
Satish Manilal Shah

...Plaintiff

Versus

Vasumati Jagdish Shah, and Ors.

...Defendants

Mr. Prashant Chande a/w Jesal Shah i/by Daru Shah & Co. for the
Plaintiff.

Mr. Nirman Sharma i/b Mr. Minal Shah for Defendant Nos.1(a)
to 1(c) and Applicants in IA/2882/2025.

Mr. Nitin C. Pawar, Court Receiver a/w Mrs. Sampada S. Dukhande
SO present.

CORAM : R.I. CHAGLA J.

DATE : 6th August, 2025.

ORDER :

1. By this Interim Application the Applicants/Original
Defendant Nos.1(a) to 1(c) have sought return of the Plaint to be
presented before appropriate Court in view of the Maharashtra Act

No.XLVI of 2023 to the Bombay City Civil Court Act, 1948.

2. The Applicant has referred to the jurisdiction bar of the Suit before this Court in view of the aforementioned amendment. The amendment is stated to be squarely applicable to the present Suit in as much as the Suit is valued admittedly below Rs.10 Crores. The same is evident from the paragraph 15 read with amended paragraph 9(a) of the Plaint.

3. The learned counsel for the Plaintiff has no objection to the relief sought for in the present Interim Application being granted.

4. In view thereof the Plaint shall be returned within a period of 2 weeks from today for presenting before the City Civil Court in view of the Maharashtra Act No.XLVI of 2023 to the Bombay City Civil Court Act, 1948.

5. At this stage the Court Receiver has brought to the notice of this Court that the Court Receiver has been appointed by this Court in respect of Room No.28 and 30 of the suit premises.

6. In view of this order of transferring the Suit to the City Civil Court, the City Civil Court shall consider whether to continue the appointment of the Court Receiver in respect of the aforementioned premises.

7. The Interim Application is accordingly disposed of. No order as to costs.

8. Rights and contentions of the parties are kept open to be agitated before the City Civil Court.

[R.I. CHAGLA J.]