IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 51 OF 2026

ICICI Bank Ltd ...Applicant

Versus

Subhashchandra Baburao More ...Respondent

Mr. Mayur Bhojwani, Ms. Dhamini Nagpal, Ms. Rui Soni i/b Mr. Ishaan Kapse, for the Applicant.
Mr. Sarang S Aradhye a/w Mr. Shantanu Gurav a/w Ms. Pradnya Solanki for the Respondent.

CORAM : SHARMILA U. DESHMUKH, J.
DATE : OCTOBER 30, 2026

P. C. :

1. At the outset, learned counsel appearing for the Applicant seeks leave to amend prayer clause (a). Leave is granted. Amendment to be carried out forthwith. Re-verification is dispensed with.

2. By the present application filed under Section 24 of the Code of Civil Procedure, 1908, the Applicant seeks transfer of Regular Civil Suit No. 370 of 2015 from the Court of the 3rd Joint Civil Judge, Junior Division, Sangli to the Court of the 2nd Joint Civil Judge, Junior Division, Ashti, District Beed.

3. Regular Civil Suit No. 370 of 2015 was filed before the Civil Judge, Junior Division at Sangli. The suit along with other eight connected suits were heard, evidence was concluded, and final arguments on behalf of

all the parties were advanced on several occasions. Thereafter, the suits were listed on 15th and 26th May 2026 for pronouncement of judgment. However, the Presiding Judge came to be transferred to Ashti, District Beed pursuant to the annual general transfers notified by this Court. Hence, the present application came to be filed seeking transfer of the proceedings from Sangli to Beed.

4. Learned counsel appearing for the Respondent does not oppose the application, considering that the arguments were advanced and the suits were listed for judgment.

5. Upon a query by this Court as to whether the Court at Ashti, District Beed would have territorial jurisdiction to entertain the proceedings as Section 24 of the Code of Civil Procedure, 1908 provides for a transfer to a court competent to try and dispose of the same, learned counsel appearing for the Applicant relies upon the following decisions:

I. Adishree Karle thr. Its Natural Guardian mother Rupali V. Shenphad Karle and others[1]

II. Sia Virendra Kamat V. Virendra Damodar Kamat[2]

III. Ambarwadikar and Co. Aurangabad Vs. State of Maharashtra and others[3] and

IV. Parshottamdas Chunilal Shah V. Bhagubai Nathubai[4]

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1 **Misc. Civil Application (Tr.) No. 390/2021 (Nagpur Bench)**
2 **2021 SCC OnLine Bom 5397**
3 **2015(5) Mh.L.J. 83**
4 **1931 SCC OnLine Bom 53**

6. I have perused the citations which were relied upon by the learned counsel for the Applicant in support of his submissions. In the case of ***Adishree Karle thr. Its Natural Guardian mother Rupali*** *(Supra)*, the Co-ordinate Bench considered the decision of the Hon'ble Apex Court in the case of ***Church of South India Trust Association vs. Telugu Church Council***[5] which held that there is near unanimity amongst the High Courts that the words "competent to try" in Section 24 refer to the pecuniary competence of the court only and do not comprehend the territorial aspect of jurisdiction. The learned Single Judge in the said decision, following the enunciation of law by the Hon'ble Apex Court, directed the transfer.

7. In the case of ***Sia Virendra Kamat*** *(Supra)*, the learned Single Judge, considering the issue of lack of territorial jurisdiction upon an order of transfer being passed, adverted to the decision in the case of ***Asha @ Deepa Sharma vs. Ramchandra L. Sharma***[6], which held that while exercising the power of transfer under Section 24, it is not necessary that the suit or proceeding must be transferred only to the court which has jurisdiction to try that suit or proceeding and rather, as provided under sub-section (5) of Section 24, while exercising the power of transfer, the High Court or the District Court, as the case may be, may transfer the suit or proceeding to a court which has no jurisdiction.

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5 **(1996) 2 SCC 520**
6 **(1997) 100 BLR 55**

8. In the case of ***Ambarwadikar and Co. Aurangabad*** *(Supra)*, this Court held that the orders passed under Section 24 cannot be rendered infructuous by the transferee court saying that it has got no territorial jurisdiction, as in the facts of that case, the plaint came to be returned by the transferee court on the ground that the transferee court had no territorial jurisdiction.

9. The decisions cited across the bar support the case of the Applicant. In the present case, the proceedings are sought to be transferred from the Civil Court, Junior Division, Sangli to the Civil Court, Junior Division, Ashti, District Beed, which is the court competent to try the proceedings, and the lack of territorial jurisdiction will not come in the way of this Court to exercise powers under Section 24 of the Code of Civil Procedure, 1908.

10. In light of the clear enunciation of law as laid down by the catena of decisions relied upon by the learned counsel for the Applicant, the Misc. Civil Application is allowed in terms of prayer clause (a), which reads as under:

> "(a) transfer of Regular Civil Suit No. 370 of 2015 from the Hon'ble 3rd Joint Civil Judge, Junior Division at Sangli to the Hon'ble Predecessor Judge (presently presiding as 2nd Joint Civil Judge, Junior Division & JMFC, Ashti, District Beed), which have been heard and reserved for judgment by him, for the limited purpose of pronouncement of the judgment;".

[SHARMILA U. DESHMUKH, J.]