

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 125/2025****GITADEVI RAMPRAKASH PODAR****..... APPLICANT****VS****PRAGNESH NARAYAN PODAR****..... RESPONDENT**

Dr. Virendra Tulzapurkar, Senior Advocate a/w. Adv. Durgaprasad Sabnis, Adv. Hiten Lala i/b. Adv. Durgaprasad Sabnis for the Applicant.

Adv. Rohaan Cama a/w. Adv. Sonali Aggarwal i/b. M/s.Dhruve Liladhar & Co. for the Respondent Nos. 1 to 3.

CORAM : RAJESH S. PATIL, J.**DATE : 9 JANUARY, 2026****P.C. :-**

1) Dr.Tulzapurkar, learned Senior Counsel for the applicant submits that by the present transfer application, the applicant is seeking transfer of two proceedings back to this Court which were originally filed before this Court and were transferred to the Bombay City Civil Court.

2) It is further pointed out to me that out of the two proceedings, of which transfer has been sought, one is Suit No. 1531 of 2018 (now numbered as Suit No. 103394 of 2024 in the City Civil Court). The said suit couldn't have been transferred to the City Civil Court, as for the purpose of the jurisdiction, the suit is valued at Rs.30

crores and the Registry of this Court has wrongly transferred the suit to the City Civil Court.

3) I have perused para no.27 of the plaint in Suit No. 1531 of 2018. The said paragraph no.27 records that the suit is valued at Rs.30 crores and the maximum court fees payable of Rs.3 lacs has been paid.

4) Mr.Cama, learned counsel appearing for the respondent Nos. 1 to 3 has submitted that in Suit No. 1531 of 2018, both the parties i.e. the plaintiff and the defendant have died and an application has been preferred by the legal heirs of the plaintiff to bring on record the legal heirs of the plaintiff and the defendant and the same are yet to be decided by the Bombay City Civil Court.

5) It is further pointed out to me that the matter is now placed before the Court Room No. 63 of the City Civil Court on 16 January, 2026.

6) After hearing both the learned counsels, I am placing this matter after 16 January, 2026 for the reason that I am positively expecting from the learned Judge of Court Room No. 63 of the City Civil Court that on 16 January, 2026, he will hear and decide the Interim Application (L) No. 31870 of 2022 and Interim Application (L) No. 6905 of 2023 expeditiously.

7) It has also pointed out to me that both the interim applications to bring on record legal heirs, mentions one of the reason for delay was due to pandemic.

8) Supreme Court in *Suo-motu Writ Petition (Civil) No. 3 of 2020* in paragraph (3) of the order dated 10 January, 2022 has held thus :-

(iii) In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. In the event the actual balance period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply.

9) Stand over to **20 January, 2026**. Matter to come up under the caption 'For Directions'.

10) Learned advocates for the applicants who are granted liberty to move an application for amendment of interim application if they desire.

(RAJESH S. PATIL, J.)