

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 125 OF 2025

ANAND
SUDHAKAR
SUDAME

Gitadevi Ramprakash Podar

..Applicant

Versus

Pragnesh Narayan Podar

..Respondent

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by ANAND
SUDHAKAR
SUDAME

Date: 2026.02.13
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Mr. Ranjit Thorat, Senior Advocate a/w. Mr. Hiten Lala &
Mr. Durgaprasad Sabnis i/b. Mr. Durgaprasad Sabnis, for the Applicant

Counsel Mr. Rohaan Cama a/w. Mr. Chaitanya Mehta & Ms. Sonali
Aggarwal i/b. M/s. Dhruve Liladhar & Co., for the Respondent

CORAM : RAJESH S. PATIL, J.

DATE : 11.02.2026

P. C.

1. Heard Mr. Thorat, learned Counsel for the Applicant and
Mr. Cama, learned Counsel for the Respondent.

2. Mr. Thorat, learned Counsel for the Applicant, on instructions of
his client seeks leave to amend the MCA by deleting the following
words from prayer clause (a) of the MCA.

*“along with the Testamentary Suit No. 172 of 2024 on
the Original Side”*

3. Leave as prayed for is granted. Amendment be carried out
forthwith.

4. By the present transfer Application filed under Section 24 of the
Code of Civil Procedure, 1908 (for short “**CPC**”), the Applicant is

seeking transfer of the Suit No. 105755 of 2024 pending before the City Civil Court, Bombay which was earlier filed in the High Court, Bombay, being Suit No. 15592 of 2023 to be transferred to the High Court, Bombay and to be heard along with the Suit No. 103394 of 2024 which was numbered in the City Civil Court, Bombay and which has been transferred back to this High Court, Bombay by an Order dated 20.01.2026 passed by this Court, in the present MCA.

5. I have heard learned Counsel for both the sides and with their assistance I have gone through the contents of the Application.

6. The present Applicant is the widow of one Mr. Ramprakash Podar. Out of the wedlock, the present Applicant and her husband have five children. One of which was Narayan. Mr. Ramprakash Podar also had brother by name – Mr. Tejpal Podar and according to Mr. Ramprakash Podar, his elder son – Mr. Narayan was given in adoption to Mr. Tejpal Podar. However, since, there were disputes between Mr. Ramprakash Podar and his son – Mr. Narayan, who was adopted by Mr. Tejpal Podar, Mr. Ramprakash Podar filed a Partition Suit before this High Court in the year 2018 (for convenience referred to as **“The First Suit”**). The said Suit was valued at Rs. 30,00,00,000/- and only Mr. Narayan was party Defendant in the said Suit, who was represented through his son as legal guardian. Said Mr. Ramprakash Podar died in the year 2019. However, in the meantime, due to

amendment in the Bombay City Civil Court Act, 1948, monetary jurisdiction of the City Civil Court, Bombay was raised from Rs.1,00,00,000/- (Rupees One Crore) to Rs.10,00,00,000/- (Rupees Ten Crores) pursuant to which the suits which were valued less than ten Crores and pending before the High Court, Bombay were transferring to the City Civil Court, Bombay. It appears that inadvertently, even the first suit which was filed by Mr. Ramprakash Podar was transferred to the City Civil Court, Bombay.

7. After the death of Mr. Ramprakash Podar, his wife – Geetadevi filed a Suit in the year 2023 against her son – Mr. Narayan and few other family members (for convenience referred to as “**The Second Suit**”). In the said suit, prayer clauses (a), (d) & (e) read as under :-

“(a) It be ordered and declared by this Hon’ble Court that the deceased Narayan Podar who died on 16.08.2020 was the son of the Plaintiff and her deceased husband Ramprakash Podar.

(d) That the Plaintiff is entitled to an Order and decree of this Hon’ble Court that it be ordered and declared that the Plaintiff is entitled to 1/4th share in the estate of her deceased son Narayan Podar and such share be determined under orders and directions of this Hon’ble Court.

(e) That the Plaintiff is entitled to an Order and decree of this Hon’ble Court ordering and declaring that the 1/4th share of estate of her deceased son Narayan Podar be partitioned by metes and bounds and the same be handed over to the Plaintiff under the Orders and directions of this Hon’ble Court.”

8. The said second Suit was filed in the High Court, Bombay but due to the change in the monetary jurisdiction of the City Civil Court, Bombay, from January, 2024, the Suit as valued at Rs.3,00,00,000/- was transferred to the City Civil Court, Bombay. The first Suit was filed by Mr. Ramprakash Podar and the title was amended by bringing Ms. Geetadevi and other legal heirs of Mr. Ramprakash Podar on record as Plaintiffs. Hence, as of today, Ms. Geetadevi is the Plaintiff in both the Suits. The relief which is sought in the first Suit is of partition by Mr. Ramprakash Podar and now, Ms. Geetadevi is pursuing that Suit as Plaintiff apart from other legal heirs, wherein earlier, Narayan was the Defendant and after the death of Mr. Narayan on 16.08.2020, his legal heirs are brought on record. Therefore, legal heirs of Mr. Narayan are the Defendants in both the Suits.

9. Hence, in my view, both the Suits are for partition considering the prayers, more particularly prayer clause (b) in the first Suit and prayer clauses (b) & (d) in the second Suit, where the Plaintiffs are common, and the Defendant - Narayan and his legal heirs are common in both the Suits. In order to avoid conflicting Judgments and to save time of the parties and their witnesses and also to save time of the Court, it will be in the interest of justice that the Suit before the City Civil Court, Bombay be transferred to the High Court, Bombay and be heard along with the Suit No.103394 of 2024. Therefore, according to

me, both the Suits should be tried and decided by one and the same Judge. Hence, the Suit, being the second Suit to be transferred from the City Civil Court, Bombay to the High Court, Bombay and to be heard along with the first Suit which has been transferred pursuant to an Order dated 20.01.2026 passed by this Court.

10. In view of the same, the Miscellaneous Civil Application **stands allowed in terms of amended prayer clause (a).**

11. The proceeding, being Suit No. 105755 of 2024 be transferred from the City Civil Court, Bombay to the High Court, Bombay within a period of four weeks from today and to be tagged along with the Suit No. 103394 of 2024 and heard along with the Suit No. 103394 of 2024.

12. At this stage, Mr. Cama, learned Counsel for the Respondent seeks stay of this order for a period of two weeks.

13. Mr. Thorat, learned Counsel for the Applicant has opposed this Application.

14. Hence, request made by Mr. Cama, learned Counsel for the Respondent, stands rejected.

(RAJESH S. PATIL, J.)