

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION (ST) NO. 5104 OF 2026

Amol Padmakar Dhamdhere

..Applicant

Versus

Rajiv Padmakar Dhamdhere

..Respondent

Ms. Nilima Sanglikar, Advocate, for the Applicant

Mr. Rajesh Shah a/w. Mr. Chinmay Joshi, Advocates, for the Respondent

CORAM : RAJESH S. PATIL, J.

DATE : 18.03.2026

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1. The present transfer Application is filed by the Applicant, who is the step brother of the Respondent.
2. It is the case of the Applicant that the Respondent had filed a Suit for partition before this Court in the year 1994. The said Suit was transferred to the City Civil Court, Bombay in the year 2013 pursuant to the enhancement of the pecuniary jurisdiction of the City Civil Court, Bombay. Thereafter, in the year 2016, the present Applicant filed testamentary proceeding in the form of probate Petition of the Will of his father. After filing of the Probate Petition before this Court, the Applicant also preferred an Application in the Partition Suit pending before the City Civil Court, Bombay seeking stay of the proceeding. The City Civil Court, Bombay, thereafter, granted stay to the proceeding as

the Defendant therein, who is the Respondent herein had no objection to such stay being granted. The said stay continued till 2020. The stay granted to the Partition Suit in the City Civil Court, Bombay was vacated on 29.10.2025. The Applicant, thereafter, preferred a Writ Petition challenging the Order of the City Civil Court, Bombay passed on 29.10.2025. The said Writ Petition was disposed of by an Order dated 18.11.2025. The Applicant, thereafter, preferred an Interim Application in the testamentary proceeding for transfer of the Suit pending before the City Civil Court, Bombay to the High Court, Bombay. The said Interim Application was disposed of by an Order dated 13.02.2026, recording therein as per Rule 6 of the Bombay High Court Appellate Side Rules, 1960 regarding transfer of the Suit, the Interim Application was disposed of.

3. Thereafter, the present Application was preferred by the Applicant under the proviso to Section 12 of the Bombay City Civil Courts Act, 1948, read with Section 24 of the Code of Civil Procedure, 1908 on 17.02.2026.

4. Both the Counsel admit that the Suit pending before the City Civil Court, Bombay for partition is at an advance stage for “arguments”. So also the Testamentary Suit No. 146 of 2016 pending before this Court is also at the stage of “arguments”.

5. Considering stage of both the Suits, in my view, at this stage, the

proceedings, B.C.C.C. Suit No. 9167 of 1992 pending before the City Civil Court, Bombay cannot be transferred to the High Court, Bombay. It would suffice, if the parties are put to terms to file written arguments.

5.1 The Applicant has already filed written arguments in the Testamentary Suit.

5.2 The Respondent is hereby directed to file their written arguments in the Testamentary Suit No. 146 of 2016 within a period of four weeks from today along with a compilation of document, short synopsis along with their preposition of law and authorities relied upon by them.

5.3 The Applicant is also hereby directed to file their written arguments along with a compilation of document, short synopsis along with their preposition of law and authorities relied upon by them in the Partition Suit pending before the City Civil Court, Bombay.

6. Both the parties are hereby directed not to take unnecessary adjournments in both the proceedings and co-operate for early disposal of the Suits.

7. The Miscellaneous Civil Application accordingly stands disposed of.

(RAJESH S. PATIL, J.)