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EXH. : 9

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
 RAJKOT DISTRICT, AT : RAJKOT.**

Civil Misc. Application (for transfer) No.48 of 2026

Sheetalben Yogeshbhai Makwana

Adult, Occupation : House Wife

Resident : Ratnam Bungalow

Ahead of Ram Mandir

Near Swaminarayan Gurukul

Ratanpar

Dist. : R A J K O T

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APPLICANT

V E R S U S

(1) Jalpaben Pankajbhai Joshi

(2) Pankajbhai Pravinbhai Joshi

Adult, Occupation : Service

Address of Both : Sheetal Park

Street No.1, Opp. : Water Tank

Rail Nagar Main Road

R A J K O T

(3) Aadhar Housing Finance Ltd.

Address : 204-208, The Imperial

Second Floor, Subhash Road

Opp. : Shastri Madan

Panchnath Plot

Near Limda Chowk

R A J K O T

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OPPONENTS

Appearance

Ms. P. K. Bhatt, Learned Advocate for the applicant.

Mr. B. H. Patel, Learned Advocate for the opponents No.1 & 2

Opponent No.3 duly served, not remained present.

Application under Section 24 of C.P.C. for Transfer of Cases**J U D G M E N T**

- 1] By way of filing present application, the applicant herein has sought to transfer **Regular Civil Suit No.360/2025** and **Regular Civil Suit No.366/2025**, trial of which are pending two different Civil Courts at Rajkot, to any one Court by stating and contending that present opponents No.1 and No.2 have filed **Regular Civil Suit No.360/2025** against applicant and present opponent No.3 for declaration and permanent injunction and trial of which is pending in the Court of Learned 7th Additional Civil Judge & J.M.F.C., Rajkot. It is also stated that present applicants No.1 and No.2 have also filed **Regular Civil Suit No.366/2025** against the applicant for cancellation of sale deed as well as declaration and permanent injunction and trial of which is pending in the Court of Learned Chief Judicial Magistrate, Rajkot. It is stated that suit property in both the suits are one and same and litigating parties are also same and similar, however, trial of both the cases are going on in two different Civil Courts, therefore, if aforesaid aforesaid suits are transferred to any one Court then it would avoid any inconsistency and contrary views as well

as hardship to litigating parties. Hence, applicant has requested to transfer the aforesaid matters in any one Court.

- 2] On being served with the notice, opponents No.1 and No.2 appeared through their Learned Advocate Mr. B. H. Patel who has conceded the facts and stated that he has no objection against grant of this application and made endorsement to that effect below application Exh.1. The opponent No.3 was duly served, but none remained present for and on behalf of opponent No.3.
- 3] Having heard the Learned Advocate for the applicant. Perusal of record indicates that, present opponents No.1 and No.2 have filed **Regular Civil Suit No.360/2025** against present applicant and opponent No.3 as well as present opponents No.1 and No.2 have also filed **Regular Civil Suit No.366/2025** only against present applicant in respect of one and same suit premises. Further, suit premises and litigating parties are same and similar, however, both the suits are being tried in two different Civil Courts. Further, opponents No.1 and No.2 have no objection against grant of this application and despite service of notice, opponent No.3 has not appeared and opposed grant of this application. Therefore, considering facts and circumstances as well as to avoid any inconsistency and contrary views, both suits are required to be dealt and decided by one Court so that both the suits in question and the disputes thereof can be considered in

accordance with law. Hence, in view of the aforesaid and without much delving on the merits, both the suits are required to be dealt with by one Court more particularly the Court where the regular civil suit first in time has been instituted. Hence, in view of the aforesaid, present application deserves to be allowed. Accordingly, I pass the following order in the interest of justice.

ORDER

- 1] The present Civil Misc. Application (for transfer) No.48/2026 stands **allowed**.
- 2] **Regular Civil Suit No.366/2025**, pending in the Court of Learned Chief Judicial Magistrate, Rajkot (**Mrs. S. P. Dulera**) is hereby withdrawn from the said Court and transferred to the Court of Learned 5th Additional Civil Judge & J.M.F.C., Rajkot (**Mr. A. T. Tiwari**) where **Regular Civil Suit No.360/2025** is pending, for disposal in accordance with the provisions of law.
- 3] The Learned Judge of the concerned Court would see to it that aforesaid both the suits to be tagged with and shall not be parted and separated in future and would proceed the suits from the stage where it has been left by the transferring Court and would conduct the trial of aforesaid cases simultaneously so as to avoid any inconsistency, hardship and contrary views.
- 4] Needless to state that this Court has not entered into merits of the cases and the Learned Judge of the

concerned Court would consider all the contentions raised by the parties concerned without being influenced by the reasons assigned herein above and the parties to the case pending before the Learned Judge of the concerned Court would solicit with co-operation for expeditious hearing.

- 5] It is further made clear that this Court has not expressed anything regarding consolidation of aforesaid cases, but merely transferred to one Court. However, if any application for consolidation of aforesaid cases is filed by any litigating party, the concerned Court would take appropriate decision and proceed further according to law.
- 6] Yadi of this order be sent to the concerned Courts for knowledge, information and compliance and to proceed further in accordance with law.

Pronounced in open court today on this 10th day of June, 2026.

Place : R A J K O T
Date : 10-06-2026

[Jitendra Rameshchandra Shah]
Principal District Judge
R A J K O T
Code No.GJ01044

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