

**ORDER BELOW Exh. 1 IN****C.M.A. No. 166/2024**

[1] By the present application, the applicants have prayed to transfer the following suits pending in different Courts to any of the Courts for effective adjudication.

| Sr. No. | Suit No.             | Pending in the Court                              |
|---------|----------------------|---------------------------------------------------|
| 1       | R.C.S. No. 700/15    | Ld. 5 <sup>th</sup> Addl. Civil Judge, Surat.     |
| 2       | Sp.C.S. No. 142/2011 | Ld. 5 <sup>th</sup> Addl. Sr. Civil Judge, Surat. |
| 3       | Sp.C.S. No. 309/2011 |                                                   |
| 4       | Sp.C.S. No. 403/2011 |                                                   |
| 5       | Sp.C.S. No. 170/2014 | Ld. 6 <sup>th</sup> Addl. Sr. Civil Judge, Surat. |
| 6       | Sp.C.S. No. 171/2014 |                                                   |
| 7       | Sp.C.S. No. 172/2014 |                                                   |

[2] Ld. Advocate for the applicants has submitted that above stated seven suits have been pending between almost the same parties in relation to the agricultural lands situated at Abhva and Vesu. It is contended that the subject matter of all the suits is inter connected and the same. It is contended that the evidence to be laid in the matters are also the same and as all the suits are proceeded by different Courts, if varying verdicts are given, there would be conflict of decisions, which may lead to multiplicity of the proceedings. Hence, it is desirable that all the suits be tried and adjudicated by one Court.

[3] The record reveals that though the notice has been issued to the opponents, only the opponent Nos. 13, 16, 17 and 18

have contested the present application by filing their common reply at Exh. 17 contending inter alia that the opponent Nos. 13, 16, 17 and 18 are the parties in Sp.C.S. Nos. 142/11 and 309/2011 only, which are pending in the same Court. It is contended that the said opponents are not the parties in other suits and hence, have no concern regarding the other suits pending before different Courts. Hence, it is contended that the present application is liable to be rejected inasmuch as the contesting respondents are different in the said suits.

[4]           Considering the arguments advanced by the Ld. Advocates appearing for the parties, the contents of the application as well as the documents produced on record, it transpires that there is substance in the averments made in the application inasmuch as the issues involved in above stated suits are inter connected, however, the record transpires that Sp.C.S. No. 700/2015 is renumbered from Special Civil Suit No. 451/1991, which is more than 30 years old. The trial of the said suit has commenced. This Court has received the details that the examination in chief affidavit have been filed and the cross-examination of the witness by defendant No. 9 to 15 have also been completed and the matter has been listed for cross-examination of defendant Nos. 1 to 4. The court is keeping the matter daily listing

as the direction of the Hon'ble High Court. Considering this, it is not apt to transfer the said suit to the cadre of Civil Judge of Sr. Division.

[5] Having said that, considering the fact that trial of suits in Sp.C.S. Nos. 142/11, 309/11, 403/11, 170/14, 171/14 and 172/14 involving the similar subject matter, is yet to start, same are required to be transferred to the Court of Ld. 6<sup>th</sup> Addl. Sr. Civil Judge, Surat and same are also hereby suggested to be expedited with request to the counsels appearing for the parties to proceed with the said suits in expeditious manner. Hence, the following order is passed.

**:: ORDER ::**

1. The present application is hereby partly **allowed**.
2. **Special Civil Suit Nos. 142/11, 309/11, 403/2011** pending in the Court of Shri D. K. Nathani Ld. 5<sup>th</sup> Addl. Sr. Civil Judge, Surat, are hereby ordered to be withdrawn and transferred to the Court of Shri M. B. Bhalia Ld. 6<sup>th</sup> Addl. Sr. Civil Judge, Surat, wherein **Special Civil Suit Nos. 170/14, 171/14 and 172/14** are pending, for disposal in accordance with the provisions of law.
3. The Trial Court is hereby directed to proceed with the matter as

expeditiously as possible and the parties as well as their Advocates are requested to co-operate in expeditious disposal of the suits.

4. Yadi of this Order be sent to the concerned Courts.

Pronounced in open Court today on this  
9<sup>th</sup> March, 2026.

Date : 09.03.2026  
Place : Surat.

**(Rahul Arunkumar Trivedi)**  
Sessions Judge, Surat.  
Code No. **GJ01495.**

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