

MHKO010005502026



ORDER BELOW EXH. 1
In Civil Misc.Appl.No.23/2026
Pratik Paras Oswal & Ors.
Versus
M/s. Padam Pooja Developers & Ors.

The instant application is filed under Sec. 24 of the Code of Civil Procedure, 1908.

02. It is stated that, the applicants have preferred appeal U/Sec. 37 of the Arbitration and Conciliation Act, 1996 ('A and C Act' for short) and the same is pending before the Court of Smt. R. V. Adone, District Judge-1, Kolhapur. Said dispute falls within the category of 'Commercial Dispute' as mentioned U/Sec. 2 (1) (c) of Commercial Courts Act, 2015 and thus, said matter needs to be tried and adjudicated by the specialized Court i.e. Shri. D. V. Kashyap, District Judge-2, Kolhapur (Commercial Court). Hence, the applicants have prayed to transfer Civ. M. A. No. 166 of 2025 to the Court of Shri. D. V. Kashyap, District Judge-2, Kolhapur.

03. The non applicants have filed their say below Exh. 7 and consented to transfer the matter to designated Commercial Court at Kolhapur.

04. Heard both sides.

05. Perused record. It is revealed that, the dispute arises from the complex issue arising between the partners of non applicant No. 1 firm. The dispute is concerned with the commercial transaction and hence, it falls within the

ambit of Commercial Courts Act. Therefore, it needs to be tried by the specialized Court at Kolhapur. The non applicants have also consented for transferring the matter to specialized Court. Hence, the application deserves to be allowed. Now Shri. R. V. Utpat, District Judge-2, Kolhapur is designated as Commercial Court at Kolhapur. Hence, the matter needs to be transfer to the Court of District Judge-2, Kolhapur. Hence, following order.

ORDER.

1. Civil Misc. Appl. No. 23/2026 is allowed.
2. Civ. M. A. No.166/2025 pending before the Court of Smt. R. V. Adone, District Judge-1, Kolhapur is hereby withdrawn and made over to the file of Court of Shri. R. V. Utpat, District Judge-2, Kolhapur for disposal in accordance with law, with immediate effect.
3. The parties and their advocates shall cooperate for the speedy disposal of the matter and shall avoid unwanted adjournments.
4. The application stands disposed of.

Date : 23/03/2026.
Kolhapur.

(Smt. Kavita B. Agrawal)
Principal District Judge, Kolhapur.