

MHKO010005732026



**ORDER BELOW EXH. 1**  
**In Civil Misc.Appl.No.25/2026**  
Prasad Babaso Labaje  
*Versus*  
Raghunath Ragho Patil & Ors.

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

02. It is stated that, the applicant has filed RCS No. 87/2021 against the non applicant Nos. 1 and 2 for specific performance of contract and the same is pending before the Jt. Civil Judge Jr. Dn. Kagal. Moreover, the non applicant No. 1 has executed agreement to sale in favour of non applicant No. 2 as regards same property and hence, non applicant No. 2 has filed Spl. C. S. No. 190/2020 against the non applicant No. 1 Raghunath and applicant Prasad and the same is pending before the 14<sup>th</sup> Jt. Civil Judge Sr. Dn. Kolhapur. So also, the non applicant Nos. 3 to 6 have filed Spl. C. S. No. 80/2020 against the non applicant No. 1 Raghunath and applicant Prasad for specific performance of contract and injunction and the same is pending before the Court of 5<sup>th</sup> Jt. Civil Judge Sr. Dn. Kolhapur. Spl. C. S. No. 190/2020 and 80/2020 are posted for hearing. All the above matters are pertaining to same property and same parties. The subject matter of all suits are one and the same. Therefore, all the matters needs to be tried and adjudicated by one Court. Hence, applicant prayed to transfer all matters to one Court.

03. Non applicant Nos. 1 Raghunath and No. 2 Sou. Geeta Patil have appeared and filed their say below Exh. 15

and 16 respectively. They both have consented for transfer of the matters to one Court.

04. Non applicant Nos. 3 to 6 have appeared and filed their say below Exh. 14 and strongly opposed the application. It is contended that, the applicant and his father are the private money-lenders and they are facing many criminal trials. The evidence of both sides has been completed in Spl. C. S. No. 80/2020 and the matter is posted for final argument. Only with intention to prolong the hearing of Spl. C. S. No.80/2020 the present transfer application is filed. Lastly, non applicants No. 3 to 6 have prayed to reject the application.

05. Heard both sides at length.

06. Perused record. It is revealed that, the subject matter and dispute in all suits i.e. RCS No. 87/2021, Spl. C. S. No. 190/2020 and Spl. C. S. No. 80/2020 is same. The parties in all these proceedings are same. Spl. C. S. No. 190/2020 is posted for argument on exhibit, whereas Spl. C. S. No. 80/2020 is posted for final argument. The RCS No. 87/2021 is posted for argument on exhibit. While dealing with the transfer application, the Court has to consider the convenience of the parties and status of the case. The Spl. C. S. No. 80/2020 is posted for final argument, therefore, it would be proper to transfer Spl. C. S. No. 190/2020 and RCS No. 87/2021 to the Court of 5<sup>th</sup> Jt. Civil Judge Sr. Dn. Kolhapur. However, transfer of matters to one Court should not cause delay in disposal of

matter which is posted for argument. Spl. C. S. No. 80/2020 is the first suit filed by non applicant Nos. 3 to 6 against the non applicant No.1 and applicant Prasad and the same is to be decided first. Hence, necessary directions needs to be given to transferree Court as well as to all parties. Thus, the present application deserves to be allowed subject to following conditions. Hence, order.

**ORDER.**

1. Civil Misc. Appl. No. 25/2026 is allowed.
2. RCS No.87/2021 pending before the Court of Jt. Civil Judge Jr. Dn. Kagal and Spl. C. S. No. 190/2020 pending in the Court of Shri. V. V. Kulkarni, 14<sup>th</sup> Jt. Civil Judge Sr. Dn. Kolhapur are hereby withdrawn and made over to the file of Court of Shri. P. N. Deshpande, 5<sup>th</sup> Jt. Civil Judge Sr. Dn., Kolhapur for disposal in accordance with law, with immediate effect.
3. The 5<sup>th</sup> Jt. Civil Judge Sr. Dn. Kolhapur is hereby directed to decide Spl. C. S. No. 80/2020 at the earliest without being affected by the status of Spl. C. S. No. 190/2020 and RCS No. 87/2021.
4. All parties and their advocates are hereby directed to co-operate for the speedy disposal of the matter and shall avoid unwanted adjournments.
5. The application stands disposed of.

Date : 06/04/2026.  
Kolhapur.

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