

RCS No.55/2021
Prabhakar -VS- Kalpana

ORDER BELOW EXH.17
(Passed on 13/08/2025)

This application is filed by the defendant for calling the case papers pending before Jt. Civil Judge Jr. Division Kamptee bearing RCS No.1/2018.

2. Advocate for the plaintiff filed say on the application itself and resisted the contents in the application and prayed for the rejection of the application.

3. Adv. Shri. Kanoongo for defendant filed pursis below Exh.18 today that the application Exh.17 may kindly be treated as his argument. Heard Adv. Shri. Kushwah for the plaintiff. Perused application and say.

4. As per order below Exh.11, this Court rejected the application filed by the defendant for stay of the suit as per Section 10. It is observed while passing order below Exh.11 that the subject matter in both these suits are different.

5. After passing order below Exh..11, this application is came to be filed by the defendant. As per Section 24 of C.P.C., the powers of transfer and withdrawal of the pending suit in two different courts is vested in the Hon'ble District Court. In such circumstances, this Court has no jurisdiction to call for the suit for its trial in this Court which is pending before Jt. Civil Judge Junior division, Kamptee. Defendant can opt the procedure laid down in section 24 of CPC for transfer of the suit. Hence, as per Section 24, this Court has no jurisdiction. Hence, I pass following order.

- ORDER -

The application (Exh.17) is rejected.

Kamptee

Date : 13/08/2025.

(Mohan R. Kamat)
Civil Judge Junior Division,
Kamptee