

MHNS130007842020



R.C.S. No. 60/2020  
Dnyaneshwar Bhandare Vs  
Sunanda Jadhav

**Order below Exh.38**

The present application is filed by the plaintiff for transfer of this suit to the court of Civil Judge, Junior Division, at Pimpalgaon for joint trial with R.C.S.No 67/2017 pending before that court. The application is opposed by the plaintiff defendants by filing his say thereon.

2. Perused the application, record and say. Heard learned advocates for both the parties. Ld. Adv. Shri. S.M. Shinde appearing for the applicant plaintiff submitted that the suit in respect of property which is the subject matter of present suit i.e., R.C.S No.67/2017 is pending before Hon'ble Principal Court in which applicant/plaintiff is added as plaintiff No.7. He further submitted that suit property is also the subject matter of suit pending before Hon'ble Principal court. Prayers are also same in both suits and there is G.R. which gives power of transfer. According to the said G.R. one court can transfer any suit pending before it to another court. Hence, he prayed to transfer this matter to the Hon'ble principal court of Civil Judge, Junior Division, Pimpalgaon (B).

3. On the other hand, application is strongly objected by the defendants. Ld. Adv. Shri. S.H. Chauhan appearing for the defendants denied all the contentions of the application. He submitted that suit property is in possession of the defendants and

there is no such situation as stated by the plaintiff. Both suits are for different reliefs. Hence, he prayed for rejection of application.

4. On perusal of record it appears that plaintiff has instituted this suit for perpetual injunction on 20/10/2020. The defendants have appeared and have filed their W.S. on 07.09.2021. This suit is pending for hearing of Exh.5 since 2021. Further, the Code of Civil Procedure, 1908 does not confer powers of transfer to this court. Ld. Advocate for plaintiff has not filed on record the copy of G.R. conferring powers of transfer to trial court. Further Sec.24 of the code of Civil Procedure, 1908 provides general powers of transfer and withdrawals are with Hon'ble High court and the District Court. Considering the law, I am of the view that this court has no powers to transfer the suit to the other court. Application is devoid of merits and thus liable to be rejected. Hence, I pass following order:

### ORDER

1. The application at Exh.38 stands rejected.

Sd/-xxx

Date :- 14/07/2025  
Place :- Pimpalgaon (B).

**(V. W. Khendad)**  
2<sup>nd</sup> Jt.Civil Judicial Junior Division  
Pimpalgaon (B)