

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 1084 OF 1993**

Vikram Pratap Gohil and others ... Plaintiffs
vs.
Ranjit Premjibhai Gohil (since deceased) and others ... Defendants

**WITH
INTERIM APPLICATION NO. 4008 OF 2022
WITH
INTERIM APPLICATION NO. 261 OF 2021
WITH
CHAMBER SUMMONS (PROTHONOTARY) NO. 1 OF 1997
IN
SUIT NO. 1084 OF 1993
WITH
TESTAMENTARY SUIT NO. 21 OF 1995
WITH
TESTAMENTARY SUIT NO. 41 OF 1993**

Ms. R. C. Nichani, i/b. Akshay Pawar for defendant Nos.1(b), 1(c) and 2 in TS/41/93 and plaintiffs in S/1084/93.

Mr. Jayesh Bhatt for plaintiff in TS/21/95 and TS/41/1993 and defendant No.8 in S/1084/93.

Mr. Bhupesh Dhumatkar a/w. Ms. Manisha Virkhare, Mr. Nandkishor Supal and Ms. Trupti Gage, i/b. Divya Shah Associates for defendant Nos.12(a) and 12(b) in S/1084/93.

Mr. Hemant P Ghadigaonkar for legal heirs of respondent No.4 in TS/21/95 and TS/41/1993.

**CORAM : MANISH PITALE, J.
DATE : 27th FEBRUARY, 2024**

PC. :

. On 02.02.2024, this Court passed an order referring to an earlier order, whereby Testamentary Suit Nos.41 of 1993 and 21 of 1995 were tagged with the suit for administration bearing Suit No.1084 of 1993. It was

also noted that the Court Commissioner recorded common evidence for all the three suits and the Court Commissioner's report is also on the record of this Court. The only aspect remaining was marking of certain documents that were produced during the course of recording of evidence by the Court Commissioner.

2. Today when the proceedings are called out for hearing, it appears that the papers pertaining to Suit No.1084 of 1993 are not available in Court, perhaps because the aforesaid suit is in the list of suits transferred to the City Civil and Sessions Court by way of notification, in the light of change in pecuniary jurisdiction.

3. At this stage, the learned counsel appearing for the plaintiffs in Suit No.1084 of 1993 relies upon an application dated 29.01.2024 submitted before the Prothonotary and Senior Master of this Court, relying upon order dated 06.07.2000 passed by this Court, tagging the aforesaid suits. On that basis, a prayer was made for not transferring Suit No.1084 of 1993 to the City Civil and Sessions Court.

4. In view of the above, the Prothonotary and Senior Master of this Court is directed to submit a report to this Court as to whether any order has been passed on the said application dated 29.01.2024 submitted on behalf of the plaintiffs in Suit No.1084 of 1993. The report shall be submitted within one week from today.

5. The Prothonotary and Senior Master of this Court shall supply a copy of such report to the learned counsel representing the rival parties in the aforesaid suit.

6. List for further directions on 12.03.2024 at 02:30 p.m.

(MANISH PITALE, J.)