

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 338 OF 2020

JIGAR BHARATKUMAR SHAH

PETITIONER(S)

VERSUS

TANUJABEN GAJENDRA MEHTA & ORS.

Respondent(s)

WITH

TRANSFER PETITION (C) NO. 1511 OF 2020

O R D E R

Transfer Petition (C)No. 338/2020 has been filed seeking transfer of Suit bearing Sp.C.S.No. 01/2018 titled " Tanujaben Gajendra Mehta Vs. Manjulaben Bharat Bahi Nahar & Ors." pending before the Principal Civil Court (S.D.), Umbergaon, District Valsad, Gujarat to the District Court, Dadra & Nagar Haveli, Silvassa, U.T. and consolidate the same with Probate Petition No. 04/2019 and while Transfer Petition (C) No. 1511/2020 seeking transfer of Probate Petition bearing No. 4 of 2019 titled " Shri Jigar Bhartkumar Shah Vs. Smt. Manjula Bhartkumar Shah & Anr." pending before the District Court, Dadra & Nagar Haveli, Silvassa, U.T. to Principal Civil Court (S.D.), Umbergaon, District Valsad, Gujarat and club the same with the Special Civil Suit No. 1 of 2018.

Having noted the contentions in these petitions, we are of view that the transfer as sought in either of the petitions is not justified. The right as claimed is before the Jurisdictional Court and the larger issue being in the suit, in any event will have to be decided before the probate proceedings are concerned.

The petitioners may therefore avail their remedies before the Courts concerned.

In that view both the transfer petitions stand dismissed.

.....J.
[A.S. BOPANNA]

..... J.
[V. RAMASUBRAMANIAN]

NEW DELHI;
SEPTEMBER 15, 2022

ITEM NO.19

COURT NO.4

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Transfer Petition (C) No. 338/2020

JIGAR BHARATKUMAR SHAH

Petitioner(s)

VERSUS

TANUJABEN GAJENDRA MEHTA & ORS.

Respondent(s)

(IA No. 29126/2020 - EX-PARTE STAY, IA No. 32470/2020 - EXEMPTION
FROM FILING O.T.AND IA No. 32468/2020 - PERMISSION TO FILE
ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

T.P.(C) No. 1511/2020 (XVI-A)

(FOR EX-PARTE STAY ON IA 133241/2020

IA No. 133241/2020 - EX-PARTE STAY)

Date : 15-09-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA

HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Nagendra Singh, Adv.
Mr. R. P. Gupta, AOR

Mr. Seshatalpa Sai Bandaru, AOR

For Respondent(s) Mr. Nagendra Singh, Adv.
Mr. R. P. Gupta, AOR

UPON hearing the counsel the Court made the following
O R D E R

The transfer petitions stand dismissed in terms of signed
order.

All pending applications stand disposed of.

(RAJNI MUKHI)

COURT MASTER (SH)

(Signed order is placed on the file)

(DIPTI KHURANA)

ASSISTANT REGISTRAR