

ITEM NO.31

COURT NO.7

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).15253/2026

[Arising out of impugned final judgment and order dated 05-03-2026 in WP No. 2544/2025 passed by the High Court of Judicature at Bombay at Aurangabad]

SAROJ DILIP GANDHI

Petitioner(s)

VERSUS

NILESH SUBHASH CHOPDA & ORS.

Respondent(s)

IA No. 129234/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 129236/2026 - EXEMPTION FROM FILING O.T.

Date : 04-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) : Ms. Neena Nariman, Adv.
Mr. Anand Dilip Landge, AOR
Mr. Rahul Jamdar, Adv.
Mr. Rahul Prakash Pathak, Adv.
Mrs. Sangeeta Nenwani, Adv.
Ms. Revati Pravin Kharde, Adv.
Mr. Shrenivas Patil, Adv.

For Respondent(s) : Mr. Sandeep Sudhakar Deshmukh, AOR
Mr. Nishant Sharma, Adv.
Mr. Ankur Savadikar, Adv.
Mr. Kartik Sharma, Adv.

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

1. We heard Ms. Neena Nariman, the learned counsel appearing for the petitioner and Mr. Sandeep Sudhakar Deshmukh, the learned counsel appearing for the respondents.

2. There is a fine distinction between an order of return of plaint under Order VII Rule 10 of the Civil Procedure Code, (for short, "the CPC") and transfer of suit under Section 24 of the CPC. The transfer of suit under Section 24 may be on any ground.

3. In the present case, the suit came to be transferred under Section 24 of the CPC and, therefore, the High Court is right in taking the view that the plaintiff cannot insist for a de-novo trial.

4. Had it been the case of return of plaint under Order VII Rule 10, then, definitely the Court has to start de-novo in view of the decision of this Court in *EXL Careers and Anr. Vs. Frankfinn Aviation Services Private Limited* reported in (2020) 12 SCC 667.

6. With the aforesaid, the Special Leave Petition stands dismissed.

7. Pending application(s), if any, shall stand disposed of.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)