

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1993 OF 2015

Rajendra H. Salot and ors. .. Petitioners
vs.
Sanjay B. Shah and ors. .. Respondents

Mr. R.V. Govilkar for the Petitioners.
Mr. Vishal Kanade a/w. Mr. K.P. Shah for Respondent Nos.1 to 3.

CORAM : M. S. SONAK, J.
DATE : 19 MARCH, 2015.

P.C. :-

1] There is no jurisdictional error or perversity involved in making of the impugned order. This is because, the petitioners have raised an independent claim to the suit property as against the defendants in Special Civil Suit No.469 of 2009. Accordingly, there is no reason to interfere with the impugned order.

2] Nevertheless, learned counsel for the petitioners has stated that the petitioners have applied to the District Court, Thane for clubbing/consolidation of Special Civil Suit No.469 of 2009 alongwith Special Civil Suit No.84 of 2012, which has been instituted by the petitioners seeking relief for specific performance. Learned counsel expresses his apprehension that pending decision

upon such application, if the Special Civil Suit No.469 of 2009, which, according to the petitioners herein, is a collusive Suit, proceeds, severe prejudice will occasion the interest of the petitioners.

3] Mr. Kanade, learned counsel for respondent Nos.1 to 3, i.e., the plaintiffs in Special Civil Suit No.469 of 2009, disputes the position that the Suit is a collusive or for that matter the Suit is at some advanced stage. Mr. Kanade points out that even issues are yet to be framed in Special Civil Suit No.469 of 2009.

4] In view of the same, the District Judge, Thane before whom the Miscellaneous Civil Application No.65 of 2015 for clubbing/consolidation as aforesaid is pending, is directed to dispose of the same within a period of six weeks from the date of production of an authenticated copy of this order. Parties to appear before the District Judge, Thane on 30 March 2015 at 11.00 a.m. and produce an authenticated copy of this order.

5] It is clarified that this Court has not gone into the merits of the application for clubbing/consolidation and it will be open to the

District Judge, Thane to decide the same in accordance with law and within the aforesaid period.

6] All parties to cooperate in the expeditious disposal of the aforesaid application pending before the District Judge, Thane.

7] With the aforesaid observations, present petition is disposed of. There shall be no order as to costs.

8] All parties to act upon an authenticated copy of this order.

(M. S. SONAK, J.)

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