

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 5059 OF 2014

Smt.Shashi Anil Johari,
Block No.a-503 & 504,
Behind Sanjivani Medical, Lalchakki,
Station Rd., Ulhasnagar -4. ... Petitioner

v/s

Dilip Ravindranath Malvankar,
through Constituted Attorney
Shri Narayan Karmokar,
C/o.Ganesh Dattatraya Gosavi,
Block No.227, Gosavi Society,
Ambernath (E). ... Respondent

Mr.P.D.Dalvi for the petitioner.

None present for the respondent.

Coram: N.M. Jamdar, J.

Dated: 29 August 2016

ORAL ORDER:

The Petitioner challenges the order of the learned Civil Judge, Junior Division, Ulhasnagar, dated 4 February 2014, rejecting the application taken out by the Petitioner for impleadment in the suit. The Petitioner has also filed a suit in respect of the same cause of

action bearing No.140 of 2009. It appears that, an interim order is also passed in favour of the Petitioner. The grievance of the Petitioner is that the Respondent/Plaintiff has encroached upon his property and he is seeking certain directions against the Municipal Corporation which will ultimately affect the Petitioner. The presence of the Petitioner is not necessary for the adjudication of the present suit. The suit filed by the Petitioner is pending in the same Court. To avoid any contradictory or conflicting orders, it will be appropriate if the learned Civil Judge takes up both the suits i.e. Suit No.140 of 2009 and R.C.Suit No.313 of 2010 together, for consideration. It is open to the Petitioner to apply to the concerned Judge who is empowered to direct hearing of both suits together. With this liberty, the petition is disposed of.

(N. M. Jamdar, J.)