

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC.CIVIL APPLICATION NO. 245 OF 2016

Deepak Chandrakant Jhaveri & Ors. Applicants

VERSUS

Johnson Dye Works Private Limited & Ors. Respondents

Mr.T.R.Yadav, i/b. C.R.Naidu & Co. for the Applicants.

Mr.Sean Wassoodew for the Respondent no.1.

Ms.Sushma Singh for Respondent nos. 3 to 5.

CORAM : R.D. DHANUKA, J.

DATE : 23rd DECEMBER, 2016

P.C.

By this miscellaneous civil application, the applicants seek clubbing of Suit No.48/62 of 2009 and Suit No.965/1427 of 2010 which are pending before the Small Causes Court, Bombay.

2. Learned counsel for the respondent nos. 3 to 5 has invited my attention to the order passed by the Supreme Court on 22nd July, 2016 in I.A.No.4 of 2016 in Petition(s) for Special Leave to Appeal (C) No.10337 of 2013 directing the trial court to dispose of the Suit No.48/62 of 2009 within six months from the date of communication of the said order. Learned counsel submits that pursuant to the said order passed by the Supreme Court, the trial court is proceeding with the suit day to day. It is submitted that insofar as Suit No.965/1427 of 2010 is concerned, the said suit is not even ready for hearing and final disposal.

3. In view of the aforesaid fact, in my view, Suit No.965/1427 of 2010 cannot be clubbed alongwith Suit No.48/62 of 2009. Miscellaneous civil application is accordingly dismissed. No order as to costs.

(R.D.DHANUKA, J.)