

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO.4413 OF 2016

(Satish s/o Madhukarrao Mukewar ..vs.. Sanghapal s/o Gangadas Meshram and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATED : 02-08-2016

Heard Shri P.P. Pendke, Advocate for the
petitioner.

2. The order passed by the trial Court allowing the application filed by the respondent-defendant for consolidating the hearing of Regular Civil Suit No.7/2014 and Regular Civil Suit No.8/2015, is challenged. It is submitted that though the parties to the civil suits are almost same and the dispute is in respect of same property, the reliefs sought in the two civil suits by the plaintiffs are different. It is further submitted that the issues are not yet framed in Regular Civil Suit No.8/2015 and therefore, it was not proper for the trial Court to order consolidation of the two civil suits at this stage. Reliance is placed on the judgment given in the case of *Ganeshdas and another vs. Ramesh Chandra and another* reported in *AIR 2002 Rajasthan 341* and in the case of *Minor Bhopo Fakirbhai vs. Mani d/o Jijibhai* reported in *1961(2) GLR 179* to support the

submissions.

3. After going through the impugned order, I do not find that the learned trial Judge has committed any error of jurisdiction by directing the consolidation of the civil suits. The petitioner-plaintiff has not been able to point out any serious prejudice because of the impugned order. I see no reason to interfere with the impugned order. The petition is dismissed. No costs.

JUDGE

adgokar

CERTIFICATE

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : P.M. Adgokar.

Uploaded on : 06-08-2016.

P.A. to Hon'ble Judge.