

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3080 OF 2017

Narendra Narayan Chaube @ Govind Chaube.. Petitioner

Versus

The Commissioner, Municipal Corporation.. Respondents
Jalgaon & Others

Mr.Girish V. Wani, Advocate for the petitioner.

CORAM : S.B. SHUKRE, J.

DATED : 14.03.2017

P.C. :-

1. Heard learned Counsel for the petitioner. Perused the impugned order dated 01.12.2016. The impugned order says that the application is partly allowed. The application was filed under section 24 of the Civil Procedure Code, seeking transfer of one suit to another Court, where another suit was pending and clubbing both the connected matters together. The learned Principal District Judge granted the prayer relating to transfer of one suit to another Court, where the connected suit is pending, but did not grant the prayer for clubbing of both the suits.

2. The clubbing of two matters is something which is exclusively a prerogative of the Court presiding over

the suits and therefore the learned Principal District Judge has rightly not granted the prayer regarding clubbing of the two suits. Of-course, it would have been appropriate for the learned Principal District Judge to have dealt with this aspect in a specific manner in the impugned order. But, he has not done so. In the circumstances, the interest of justice would require this Court to do so. So, it is clarified that clubbing of R.C.S. No.91 of 2015 and S.C.S. No.78 of 2015 shall be considered appropriately by the Court on the file of which both these suits are pending i.e. 6th Joint Civil Judge (S.D.), Jalgaon.

3. The writ petition is accordingly disposed of. No costs.

[S.B. SHUKRE,J.]