

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5273 OF 2017
(The Maharashtra Electricity Distribution Co.Ltd., Vs. M/s Bharati
Shipyard Ltd.,)
WITH
WRIT PETITION NO.5274 of 2017
(The Maharashtra Electricity Distribution Co.Ltd., Vs.M/s REIAgro
Limited)

Mr.S.M.Godsay, learned counsel for the petitioner.

(CORAM : M.S.Sanklecha, J.)

DATE : 24/04/2017

PER COURT :

1. These 2 petitions challenge two independent orders dated 11/04/2017 passed by the Joint Civil Judge, S.D. Dhule in RCS No.109/2010 and 110/2010 respectively. By the 2 impugned orders, the petitioner's applications under Section 151 of the Civil Procedure Code for consolidating the suits bearing Nos. 109/2010, 110/2010 and 130/2009 for common hearing were rejected on identical grounds. Therefore, this common order.

2. The impugned orders rejected the applications in both the suits for consolidation *inter-alia* on the ground that the subject matters and the parties to the suits are different. Mr.Godsay, learned counsel appearing for the petitioners sought to contend that the issues

arising on merits are essentially similar in all the 3 proceedings and therefore the Trial Court ought to have allowed the consolidation application of the petitioner.

3. The impugned orders have taken a possible view in the context the facts before it. It is not a view, which can be said to be perverse or leading to manifest injustice or a case of non-exercise of jurisdiction. Therefore, there is no occasion to exercise jurisdiction u/s 227 of the Constitution of India.

4. Accordingly, both the petitions are dismissed. No order as to costs.

(M.S.Sanklecha, J.)