

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10799 OF 2016

Mrs. Neelima C. Pavale and ors. .. Petitioners
vs.
Usha Shashikant Mehta and anr. .. Respondents

Ms Varsha Palav i/b the Laureate for the Petitioners.
Mr. A.R. Pai i/b Nenty N. Thakkar for the Respondent.

CORAM : M. S. SONAK, J.
DATE : 23 AUGUST 2017.

P.C. :-

- 1] Not on board. In view of urgency taken on production board.
- 2] Heard learned counsel for the parties.
- 3] Upon due consideration of the submissions made by learned counsel for the parties and upon perusing the material on record, I am satisfied that the impugned order does not warrant any interference in the exercise of extra ordinary jurisdiction under Article 227 of the Constitution of India.
- 4] Although, it is true that some of the issues in the two suits are common, it will not be open for any party to insist, as a matter of right, that common evidence is required to be recorded in the two

suits. Learned Trial Judge has noted that the issues are not identical. Further, even the parties in the two suits are not the same. In the sense that in one of the suit there is an additional party. Further, learned Trial Judge has directed that both suits be expedited and kept on same date. Merely because, learned Trial Judge has not consented to recording of common evidence, it cannot be said that the impugned order has vitiated any jurisdictional error or unreasonable.

5] The petition is accordingly, dismissed. There shall however, be no order as to costs.

(M. S. SONAK, J.)