

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO. 6210 OF 2015

SANJOG BHUSHAN BIRLA
VERSUS
BHUSHAN PANDHARINATH BIRLA AND OTHERS

WITH
WRIT PETITION NO. 6445 OF 2015

SANJOG BHUSHAN BIRLA
VERSUS
BHUSHAN PANDHARINATH BIRLA AND OTHERS

WITH
WRIT PETITION NO. 4781 OF 2016

BHUSHAN PANDHARINATH BIRAL AND ANOTHER
VERSUS
SOU. REKHA REJENDRA SETH

WITH
WRIT PETITION NO. 4788 OF 2016

BHUSHAN PANDHARINATH BIRAL AND ANOTHER
VERSUS
SOU. REKHA REJENDRA SETH

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Advocate for petitioner in WP/6210/2015 and WP/6445/2015:

Mr. Ramesh R. Mantri and Mr. R. R. Sancheti.

Advocate for the Petitioners in WP/4781/2016 and

WP/4788/2016 : Mr. A. N. Sabnis

Advocate for Respondent No.3 : Mr. Girish Rane.

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CORAM : V. K. JADHAV, J.
DATED : 08th MARCH, 2018

PER COURT:-

1. By consent, on instructions, these four Writ Petitions can be disposed of by directing the trial court to consolidate Special Civil Suit No. 2 of 2014 (Rekha vs Bhushan and Another), Special Civil Suit No. 3 of 2014 (Ila vs Bhushan and Another) and Special Civil Suit No. 35 of 2014 (Sanjog vs Bhushan and Others).

2. Writ Petition No. 6210 of 2015 (Sanjog vs Bhushan) and Writ Petition No. 6445 of 2015 (Sanjog vs Bhushan and Others) are preferred against the common order passed below Exhibit 38 in Special Civil Suit No. 2 of 2014 and Special Civil Suit No. 3 of 2014. The petitioner in the aforesaid two Writ Petitions have filed application Exhibit 38 in both the suits i.e. Special Civil Suit No. 2 of 2014 and Special Civil Suit No. 3 of 2014 under Order I Rule 10 of the Code of Civil Procedure, 1908 and the learned Civil Judge, Senior Division, Amalner, by impugned common order dated 23.03.2015, rejected the said application.

3. Writ Petition No. 4781 of 2016 (Bhushan vs Sou Rekha) and Writ Petition No. 4788 of 2016 (Bhushan and Others vs Sou Ila) are preferred against the order passed below Exhibit 69 in Special Civil Suit No. 2 of 2014 and below Exhibit 67 in Special Civil Suit No. 3 of 2014. The applications Exhibits 67 and 69 as mentioned above came to be filed by the petitioners in these Writ Petitions under Section 151 of C.P.C. for consolidation of Special Civil Suit No. 2 of 2014 and Special Civil Suit No. 3 of 2014 alongwith Special Civil Suit No. 35 of 2014. The learned Civil Judge, Senior Division, Amalner, by separate orders as aforesaid, rejected both the applications Exhibits 67 and 69 in the respective suits.

4. After hearing the learned counsel appearing for the parties at length in all the four Writ Petitions, by consent on instructions, these four Writ Petitions are disposed of by directing the trial court to consolidate Special Civil Suit No. 2 of 2014, Special Civil Suit No. 3 of 2014 and Special Civil Suit No. 35 of 2014. If the evidence is completed in the aforesaid pending suits and if trial is yet to be commenced in any of the aforesaid pending suits, the learned Judge of the trial court shall complete

recording of evidence in all the aforesaid three suits after its consolidation and decide the same simultaneously with quick succesion.

5. The four Writ Petitions are accordingly disposed of.

(V. K. JADHAV, J.)

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