

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 355 OF 2018

Union of India

Thr. Enforcement Directorate

...Petitioner

Vs.

Sameer Seth & Ors.

... Respondents

.....

Mr. Ganesh K. Sovani for the Petitioner.

Ms. S. Singh for Respondent Nos.1 to 4.

Mr. Neel Gala for Respondent No.5.

Mr. Durgesh Kulkarni I/b Lex Firmus for Respondent Nos.6 and 7.

Ms. Neha Bhide for Respondent No.8.

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CORAM : G.S. KULKARNI, J.

DATE : JANUARY 24, 2018.

P.C. :

1. Heard learned counsel for the parties.
2. The petitioner has approached this court by making following prayers:

A. This Hon'ble Court may be pleased to issue a Writ or any order or direction in the form of Writ thereby directing the first hearing and the disposal of the T.E. and R Suit No.315/374 of 2000 first among all three suits.

B. That the Hon'ble High Court may also be pleased to set aside order passed by the Inspection Department of the Hon'ble High Court expediting the hearing of the R.A.D. Suit No.364 of 2002 filed by the Petitioners against the

Respondent.

C. That the Hon'ble High Court may also be pleased to set aside the two common orders both dated 17.07.2017 passed by the Hon'ble Appellate Bench of the Hon'ble Small Causes Court while rejecting the Revision Application No.220 of 2015 and Revision Application No.221 of 2015 filed in Exh.74 and Exh.87 respectively of the T.E. & R Suit No.315/374 of 2000 filed by the Petitioner against the Respondents.

D. That, pending the hearing and the final disposal of the petition, by way of an interim relief, the hearing of all the three suits viz. (i) T.E. & R Suit No.315/374 of 2000, (ii) R.A.E. & R. Suit No.698/1185 of 2001 and (iii) RAD Suit No.364 of 2002 may kindly be stayed.

E. The present petition may kindly be expeditiously disposed of.

F. Cost.

G. Any other relief as the Hon'ble High Court may fit and proper may be granted in favour of the Petitioner.

3. By the impugned order dated 17.7.2017 passed by the appellate bench of the Small Causes Court at Bombay, the petitioner's revision application no. 220 of 2015, challenging the order passed by the learned Trial Judge passed on an application of the petitioner below exhibit 74, whereby the petitioner's had sought relief of clubbing and trying three proceedings namely of

(i) T.E. & R Suit No.315/374 of 2000, (ii) R.A.E. & R. Suit No.698/1185 of 2001 and (iii) RAD Suit No.364 of 2002, has been rejected. The appellate bench has observed that no fault can be found in the order dated 04.12.2014 passed by the learned Trial Judge in declining the request of the petitioner in clubbing and trying all the three suits together and hearing of the suits to be conducted simultaneously.

4. Learned counsel for the parties are not disputing that all the suits are being heard by the same court as also the Trial in all three suits have commenced.

5. Considering the impugned order as passed by the appellate bench and that the respective suits have already progressed as also the fact that though the premises are common, however, it is felt appropriate to maintain the order passed by the learned Trial Judge that the hearing of the suits be conducted simultaneously.

6. Accordingly, no interference is called for in this petition. The petition is dismissed. All contentions of the parties on merits of the respective claims are expressly kept open. No costs.

(G.S. KULKARNI, J.)