

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

WRIT PETITION NO.3571 OF 2018
WITH
CIVIL APPLICATION NO.4300 OF 2019
IN WP/3571/2018

NAVNEET BHAGWAN SHARMA
VERSUS
GHANSHYAM MURLIDHAR SHARMA AND OTHERS

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Advocate for the Petitioner : Shri Kulkarni Mukul S.
Advocate for Respondents 1, 4 and 6 to 9 : Shri Deshpande Chaitanya C.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 24th April, 2019

Per Court:

1 The issue is as to whether, Regular Civil Suit No.20/2012 (old
Special Civil Suit No.125/2010) filed by the Plaintiff (Navneet Sharma)
and Regular Civil Suit No.139/2012 filed by the Plaintiff (Anil Sharma)
appearing through the Power of Attorney Holder (Navneet Sharma),
should be clubbed together for recording of common evidence.

2 I have heard the learned advocates for the respective sides.

3 I find from the record that both the plaintiffs stand on their
own footing in their respective suits and the decision in the first suit,
either in favour of Navneet Sharma or the Defendant, would not affect the
decision in the second suit, which would be either in favour of Anil

Sharma or the Defendant. Though the suits are for seeking specific performance of contract with reference to the southern portion of Gat No.55 in the first suit and the northern portion of Gat No.55 in the second suit, there is no unity in the cause of action. I also do not find that any decision in one suit would have any repercussion or an adverse impact on the decision in the other suit. The impugned order dated 01.01.2018, does not call for an interference.

4 The learned advocate for the petitioner submits that since two suits are pending adjudication for about 09 years and 07 years, respectively, both the suits could be expedited.

5 In view of the above, this Writ Petition is disposed off. As both the suits are more than five years old, the Trial Court dealing with the two suits, would decide the said suits expeditiously and preferably on or before 30.04.2020.

6 The pending Civil Application does not survive and stands disposed off.