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

WRIT PETITION NO. 6811 OF 2019

M/s. R. Rajkotiya & Company, Jalgaon ...Petitioner

Versus

Omprakash Sitaram Agrawal and others ...Respondents

Mr. S.V. Dixit, Advocate for petitioner.

CORAM : RAVINDRA V. GHUGE, J.
DATE : 11th JUNE, 2019

PER COURT:

1. This petition was not on board. A motion was moved at 10.30 am and considering the cause of action mentioned, this matter was taken on the production board.

2. I have heard the learned Advocate for the petitioner for quite some time. The issue is as regards the impugned order dated 9th April, 2019 passed by the Trial Court, vide which an application Exh. 801 in Regular civil suit No. 198 of 2008, has been rejected. The request of the petitioner to decide Reg. civil suit No. 198 of 2008, 268 of 2008 and 1 of 2009 by a common judgment, has been rejected.

3. I find that the then learned Principal District Judge, Jalgaon, had passed an order on 19th March, 2010 below Exh. 1 in Civil Misc. Application No. 15 of 2010, directing the above stated three suits to be placed before a similar Court. As regards whether the suits should be clubbed or not, was left to the concerned Court to decide.

4. The litigating sides were before this Court in Writ Petition No. 9328 of 2015. By an order dated 2nd May, 2016, this Court rejected the writ petition and directed that the suit be decided within nine months. The record further reveals that now the Trial Court is granted time upto July, 2019 to decide the three suits. When these proceedings were at the stage of advancing final arguments, Exh. 801 was filed by defendant No.1/petitioner, which has been rejected by the impugned order.

5. I find from the record that the evidence has been recorded independently in each of the suits. Though the learned Principal District Judge had granted liberty to the parties to request for clubbing the matters on 19th March, 2010, an application was not filed and the same was tendered on 25th March, 2019, after nine years .

6. It also appears from the record that out of the four

civil suits, one suit bearing R.C.S. No. 288 of 1995 was decided and only three suits were pending. Two suits bearing R.C.S. No. 268 of 2008 and 1 of 2009 were withdrawn from the file of the learned III Joint Civil Judge (Junior Division), Jalgaon, and transferred to the Court of the learned Joint Civil Judge (Junior Division), Jalgaon. These two suits are said to be at different stages. In R.C.S. No. 198 of 2008 the defendant has examined twelve witnesses and this suit has to be decided as per the deadline given by this Court.

7. In the light of above, I find that the Trial Court has rightly rejected the application Exh. 801 by imposing costs of Rs. 5000/-.

8. As such, this petition being devoid of merit, stands dismissed.

(RAVINDRA V. GHUGE)
JUDGE

Madkar