

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12212 OF 2019

Vadilal Dairy International Limited,
A Company registered under the
Companies Act, having its office at
511, Hubtown Solaris, 5th floor,
N.S.Phadke Marg, Ahdheri (East),
Mumbai-400063.
Through its Legal Officer,
Yogesh Pandurang Pawar,
Age-32 years, Occu-Service

-- PETITIONER

VERSUS

S.V.Enterprises,
160, Navi Peth,
Jalgaon - 425001,
Through its Proprietor,
Shishir Rameshchandra Jain,
Age-Major, Occu-Business

-- RESPONDENT

Mr.M.V.Salunke h/f Mr.V.D.Salunke, Advocate for the petitioner.
Mr.P.B.Gamot, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 18/10/2019

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. Considering the issue involved in this petition in the light of the

impugned orders dated 26/06/2019 and 03/03/2004 and in the light of the joint *purshis* of the parties dated 25/01/2001, I need not advert to the entire submissions of the litigating sides.

3. It is conceded that in the earlier round of litigation, before the matter was transferred to Jalgaon from this Court at the Principal Seat, a notice of Motion No.3671 of 1997 (Suit No.2660/1997) was moved on 02/02/1998. This Court had ordered that Special Civil Suit No.154/1996 and Special Civil Suit No.174/1996 shall be clubbed and jointly dealt with before the appropriate Court at Jalgaon. By a cryptic order dated 03/03/2004, the subsequent suit was stayed by the Trial Court. The matters were transferred to Bhusawal and renumbered as Spl.C.S.Nos.245/2014 and 246/2014. The plaintiff in the second suit had pointed out that both the suits have to be dealt with together. The Trial Court has declined to entertain the application Exh.33 by the impugned order on the ground that the subsequent suit has been stayed by the Trial Court on 03/03/2004.

4. In view of the above, this petition is partly allowed. Both Spl.C.S.Nos.245/2014 and 246/2014 shall be tried together in view of the earlier order of this Court dated 02/02/1998. As the suits are

of the year 1996, the Trial Court would endeavour to decide both the suits as expeditiously as possible and in any case on or before 29/02/2020. Highest priority would be granted to these matters and the Trial Court can proceed with the said matters even on day to day basis. The litigating sides shall be duty bound to extend co-operation for the expeditious disposal.

5. Rule is made partly absolute in the above terms.

(Ravindra V.Ghuge, J.)