

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

WRIT PETITION NO. 5989 OF 2019

**JAITUNI W/O VILAS D/O CHEMA GAVIT AND ANOTHER
VERSUS
DEVALYA RADTYA GAVIT AND ANOTHER**

...
Advocate for the Petitioners : Shri J. R. Shah

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 18th SEPTEMBER, 2019.

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PER COURT :

1. The petitioners are the original plaintiffs in Regular Civil Suit No. 29/2016. They are aggrieved by the impugned order dated 03/08/2018, by which, the Trial Court has stayed Regular Civil Suit No. 29/2016 till the decision in Regular Civil Suit No. 21/2010.

2. I have considered the grounds formulated by the petitioners in the memo of the petition and I have gone through the petition paper book with the assistance of the learned Advocate.

3. The petitioners submit that a decision in RCS No.

21/2010 is likely to affect the rights of the plaintiffs in RCS No. 29/2016. Contradictory judgments are likely to be delivered. The suit property is the same. It would be appropriate if the two suits are clubbed so as to have a common hearing and avoid multiplicity of litigation.

4. Considering the above, this petition is disposed off. The petitioners are at liberty to approach the competent authority for seeking the clubbing of RCS No. 21/2010 with RCS No. 29/2016. Thereafter, if the petitioners are aggrieved by any decision of the competent authority, they would be at liberty to avail of a remedy as is permissible in law.

(RAVINDRA V. GHUGE, J.)

shp/-