

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1099 OF 2018

IN

SUIT NO. 1578 OF 1981

WITH

CHAMBER SUMMONS NO. 1084 OF 2018

IN

SUIT NO. 3119 OF 2008

Kiran Construction Co.

...Plaintiff

Versus

Uday V Vaity & Ors

...Defendants

Mr AS Pal, *with A Bagwe, i/b Mulla & Mulla & CB & C., for the Plaintiff/Applicant in both the Suits.*

Ms Deepti Panda, *for Defendants Nos. 1(B), 1(D), 1(E)(i) to 1(E)(v), 2B to 2H & 3B to 3F in S/1578/1981 & for Defendants Nos. D2, D3(a) to D3(E), D4, D5(A) to D5(D), D7 to D13 & D15 in S/3119/2008.*

Ms Madhavi Nalawade, *i/b Kishor V Tembe, for Defendants Nos. 10B to 10E in S/1578/1981 & for Defendants to 36 to 39 in S/3119/2008.*

Dr Birendra Saraf, *i/b Narayanan & Narayanan, for Defendants Nos. 40 and 42 in S/3119/2008.*

CORAM: G.S. PATEL, J

DATED: 1st March 2019

PC:-

1. The Chamber Summonses ostensibly seek the clubbing of Suit No. 1578 of 1981 and Suit No. 3119 of 2008, and for leave to take evidence in common. What the Affidavit in Support of these Chamber Summonses does not point out, and which is stated at the forefront of an Affidavit in Reply filed by Sharad Jagannath Vaity, Defendant No. 1D, is that the Plaintiffs filed a praecipe dated 27th August 2018 before the Hon'ble the Chief Justice for this very purpose and moved on it two days later. That application on praecipe is yet pending before the Hon'ble the Chief Justice on the administrative side.

2. I do not see how such Chamber Summonses could have been filed in the first place. I refuse to entertain either. Obtaining a judicial order on them would amount to overreaching the plenary administrative authority of the Hon'ble the Chief Justice as the master of the roster. That is something I will not do.

3. I am not addressing the merits, on which, too, the application is opposed. I am only noting that, given the pendency of the application by praecipe on the administrative side, the very presentation of these two Chamber Summonses is grossly improper.

4. Both Chamber Summons are dismissed. Let a copy of this order be placed before the Hon'ble the Chief Justice for information.

(G. S. PATEL, J)