

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CAF NO. 263/2019 IN FIRST APPEAL NO. 1039 OF 2017

(Dr. Shobha wd/o Vimalchandra Grover vs. Sandeep s/o Vimalchandra Grover & Ors.)

(Dr. (Mrs.) Archana Patel w/o Behram Patel & Anr. - Applicants/ Intervenors)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : S.B. SHUKRE &
S.M. MODAK, JJ.
JANUARY 21, 2019.**

Heard Shri S.V. Manohar, learned Senior Advocate with Shri A.A. Naik, learned counsel for the appellant and Shri C.S. Kaptan, learned Senior Advocate with Shri V.V. Bhangde, learned counsel for the respondents and Shri Z.Z. Haq, learned counsel for the applicants/ intervenors.

Now, it has come on record that there is a Family Settlement between the rival parties, which has necessitated clubbing of all matters before this Court so that appropriate decree in terms of Settlement can be passed. However, the interveners, not being party to this petition, a difficulty has arisen and we are of the view that the said difficulty can be get over if this application is allowed.

Hence, CAF No. 263 of 2019 is allowed. The interveners are allowed to be joined as party. The necessary amendment be carried out on or before next date.

CAF NO. 266 OF 2019

Heard the learned counsel for the respective

parties.

While disposing of CAF No. 263 of 2019, we have already found in this matter need to club and consolidate together all the pending disputes between the rival parties so that appropriate decree could be passed in terms of Family Settlement which has taken place between them. This could not be possible unless power of this Court under Section 24 of the Code of Civil Procedure is invoked and record of the other proceedings is called.

The application is, therefore, allowed. Record of R.C.S. No. 606 of 2015 pending on the file of 19th Joint Civil Judge, Senior Division & ACJM, Nagpur and S.C.S. No. 1028 of 2017 pending before the Court of 19th Joint Civil Judge, Senior Division & ACJM, Nagpur, are withdrawn from that Court and made over to this Court for their appropriate disposal in accordance with law. It is further directed that Record and Proceedings of these R.C.S. and S.C.S. be transferred to this Court as early as possible and in any case within seven days from the date of this order.

List the matter on 28.01.2019.

An authenticated copy of this order be furnished to the learned counsel for the parties.

JUDGE

JUDGE

*GS.