

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

WRIT PETITION NO.1352 OF 2019

RAMRAO RANGNATHRAO JADHAV AND ANOTHER
VERSUS
LAXMAN RANGNATH JADHAV AND OTHERS

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Advocate for Petitioners : Mr. Kale Mahesh P.
Advocate for Resp. 1-3, 7 : Mr Gangakhedkar S.S.

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CORAM : V.K. JADHAV, J.
Dated: January 03, 2020

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PER COURT :-

1. Heard.
2. Both the suits bearing RCS No.52/2012 and 53/2012 came to be instituted for partition and separate possession and parties are almost the same. Needless to say that in a suit for partition and separate possession all the parties are the plaintiffs seeking share in the ancestral property held by the joint family. In view of this, there was no reason for the trial court to reject an application filed by the petitioners/original plaintiffs in RCS No.52 of 2012 for consolidation of both the suits. In view of the same, I proceed to pass the following order.

aaa/-

ORDER

1. Writ Petition is hereby allowed.
2. The impugned order dated 15.11.2018 passed by the learned Civil Judge S.D. Gangakhed below exh.86 in Regular Civil Suit No.52 of 2012 is hereby quashed and set aside.
3. Application Exh.86 in R.C.S. No.52 of 2012 is allowed in terms of its prayer clause.
4. The Trial Court shall proceed with the suits on its consolidation and dispose it off as expeditiously as possible.

(V.K. JADHAV, J.)

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