

nsc.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5634 OF 2019

Jayashree Builders and Ors. ... Petitioners
Versus
Krishnaji Vishnu Kulkarni
(Since Deceased) Through Legal Heirs and Ors. ... Respondents

**WITH
WRIT PETITION NO.5637 OF 2019**

Jayashree Builders and Ors. ... Petitioners
Versus
Jani Janardan Seva Samithi
represented by Shashikant Vishwanath Deshmukh ... Respondent

**WITH
WRIT PETITION (STAMP) NO.10111 OF 2019**

Jayashree Builders and Ors. ... Petitioners
Versus
Jani Janardan Seva Samithi
represented by Shashikant Vishwanath Deshmukh ... Respondent

Mr. J. S. Kini a/w Ms. S. S. Krishnappa, for the Petitioners.

Mr. P. S. Dani, Senior Advocate i/b Mr. J. M. Joshi, for the Respondent No.2 in WP No.5634 of 2019 and for the Respondent in WP No.5637 of 2019 and WP (Stamp) No.10111 of 2019.

CORAM : REVATI MOHITE DERE, J.

DATE : 27th JANUARY, 2020

P.C. :

1. Heard learned counsel for the parties.
2. Both, the learned counsel for the Petitioners in all the aforesaid petitions and the learned senior counsel for the Respondent - Jani Janardan Seva Samithi, i.e. the contesting respondent, in all the petitions, state that they have no objection, if both the cases i.e. Special Civil Suit No.237 of 1977 and Regular Civil Suit No.946 of 1977 are clubbed together and if common evidence is led by the parties.
3. Learned Counsel for the Petitioners states the petitioners will file an appropriate application before the District Judge, for clubbing both the Suits, within two weeks from today.
4. Learned Senior Counsel for the Respondent - Jani Janardan Seva Samithi, states that he has no objection if the said Suits are clubbed.
5. Special Civil Suit No.237 of 1977 (renumbered as Regular Civil Suit No.761 of 2012) is filed by the Petitioners seeking specific performance of a Suit Property, as against the Respondent – Krishnaji

Vishnu Kulkarni and Regular Civil Suit No.946 of 1977 is filed by the Respondent - Jani Janardan Seva Samithi, as against the Petitioners for perpetual injunction with respect to the said suit property, as against the Petitioners.

6. It is not in dispute that both the suits are pending before the same Court. Considering the statement made by the respective parties as noted above, the Petitioners are at liberty to file an appropriate application, within two weeks from today, before the District Judge for clubbing both the suits i.e. Special Civil Suit No.237 of 1977 with Regular Civil Suit No.946 of 1977.

7. If such an application is filed, within two weeks from today, the learned District Judge, to decide the same, expeditiously. In the event, both the Suits are clubbed, the trial Court to proceed with the said suits, on its own merits, uninfluenced by its earlier orders, which have been impugned in the aforesaid three petitions.

8. Since the suits are of the year 1977, the trial Court is requested to dispose of the said Suits (Special Civil Suit No.237 of 1977 and Regular Civil Suit No.946 of 1977), as expeditiously as possible and in any event

within sixteen months from the date of the order passed by the District Court, on clubbing of the matters.

9. The Petitions are disposed on the aforesaid terms.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.