

WRIT PETITION NO. 8943 OF 2018

Mr. S.B. Chandan for the Petitioners.
Mr. Dilip Bodake for the Respondent No.1.

CORAM : REVATI MOHITE DERE, J.
DATE : 03rd February, 2020

PC:

1. The petitioners have filed a suit being R.C.S.No. 286 of 2017 as against the respondents for declaration and injunction in the Court of Civil Judge, J.D. Daund. The respondent No.1 has also filed a civil suit as against the petitioners herein and others for declaration and injunction, being R.C.S.No.255 of 2016. Both the said suits are admittedly pending before the same court.

2. Learned counsel for the petitioners states that, the petitioners intend to file an application before the District Court for clubbing both the suits, having regard to the fact that the suit property in both the suits is same and so also the parties.

3. Learned counsel for the respondent No.1 on instructions of the respondent No.1 states that, if such an application is filed before the District Court, the respondent No.1 will give his no objection for clubbing both the

said suits.

4. Considering the aforesaid, the petitioner is at liberty to file an appropriate application before the learned District Judge for clubbing both the suits being R.C.S.No.286 of 2017 and 255 of 2016. If such an application is filed, the learned Judge to decide the same expeditiously and in any event within six weeks from the date of filing of the application.

5. In view of the aforesaid, learned counsel for the petitioners does not press this petition at this stage and seeks leave to withdraw the same with liberty to renew his prayer if the occasion so arises. All contentions of all parties are kept open. It is made clear that the petition is not heard on merits. Accordingly, the petition is disposed of in the aforesaid terms.

REVATI MOHITE DERE, J.