

jsn

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.2268 OF 2021
IN
SUIT NO.872 OF 2014

Kanchan Dhirajlal Paurana

...Applicant /
Plaintiff

Versus

Ajit Shantilal Paurana & Anr.

...Defendants

Vikramaditya Deshmukh for Applicant / Plaintiff.

Mr. Madhusoodan Nair with Mr. Sharad Agre i/b. KPMC Legal
for Defenant No.1.

CORAM : R.I. CHAGLA J

DATE : 29TH NOVEMBER 2021

ORDER :

1. Heard learned Counsel for the parties.
2. By this Interim Application the Applicant is seeking consolidation of the hearing of Testamentary Suit No.1047 of 2009 with Suit No.872 of 2014 since the parties, subject matter, issues and documents in both the Suits are more or less identical and thus the common evidence can be led in both

Suits, it is also in the interest of justice.

3. I have perused the averments in the Interim Application and considered the subject matter of both Suits and in particular the issues framed in the two suits which have been annexed to the Interim Application, the two suits do appear to be connected. The Suits have been filed between the same parties. The prior Suit No.104 of 2009 which is Testamentary Suit is for grant of probate of the Will of the deceased will have a bearing on the Suit No.872 of 2014 which has been filed by the Defendant in the 2009 Suit. The issue as to whether the Defendant proves that the alleged Will is forged and fabricated will be determinative as to whether the Suit No.872 of 2014 is maintainable. Hence it would be necessary to consolidate two suits, following order is passed:-

(i) The office is directed to consolidate the hearing of Testamentary Suit No.104 of 2009 with Suit No.872 of 2014.

(ii) It is made clear that all issues as raised in both

the Suits are kept open.

(iii) The Interim Application is disposed of in the above terms.

(iv) The Suits shall be placed on 15th December, 2021 for directions.

[R.I. CHAGLA J.]