

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

25 WRIT PETITION NO.10439 OF 2022

**MOHD. SAJID MOHD. DAWOOD
VERSUS
ALKABAI KANTILAL MUTHIYAN**

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Advocate for Petitioner : Mr.Mehta Punit S

Advocate for Respondent : Mr. P.F.Patni.

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CORAM : SANDEEP V. MARNE, J.

DATE : 10.10.2022.

PER COURT :

1. By this petition the petitioner challenges the order dated 02.09.2022 passed by the Civil Judge, Senior Division, Aurangabad in application below Exh. 79 filed in Special Civil Suit No. 182 of 2017. By that application the petitioner had sought for clubbing of the Special Civil Suit No. 182 of 2017 and the Special Civil Suit No. 183 of 2017, both pending on the file of 3rd Joint Civil Judge Senior Division, Aurangabad. By order dated 02.09.2022, the Court below has proceeded to reject the application.

2. It is an admitted fact that a Special Civil Suit No. 182 of 2017 was transferred to the Court where the Special Civil Suit No. 183 of 2017 was pending by order dated 18.03.2021 and in that order itself the Principal District Judge, Aurangabad had directed

that it would not be necessary for the Court to decide both the suits simultaneously. Furthermore, the hearing of the Special Civil Suit No. 182 of 2017 is made time bound by this Court and that suit is at the stage of final arguments.

3. It is an admitted position that both the suits are for specific performance of separate agreements executed in respect of different properties and the defendants therein are also different and distinct.

4. In such circumstances, I do not find that any error is committed by the Court below in rejecting the application filed by the petitioner. Accordingly, I find that the petition filed by the petitioner is devoid of merit and the same is rejected without any orders as to the costs.

(SANDEEP V. MARNE)
JUDGE

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