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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 7576 OF 2019

SHRI. VIJAYKUMAR @ NAGENDRA BHUPALPETITIONER
MAGDUM SINCE DECEASED THR. LRS

V/s.

SHRI. SURESH VASANT KUMBHARRESPONDENTS
AND ORS

Mr. Akshay A. Kulkarni for the Petitioner
Mr. Vijay Killedar for Respondents

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 18, 2022.

P.C.:

1) Heard respective counsel. Order impugned is passed below Exh. 48 in R.C.S. No. 92/2009 thereby staying further proceedings in the Suit.

2) As far as R.C.S. No. 32/2009 is concerned, same is for possession whereas R.C.S. No. 92/2009 is for specific performance.

3) The fact remains that in both these suits, the subject matter is same i.e. immovable property and the parties are also same as

Defendants in R.C.S. No. 92/2009 are Plaintiffs in R.C.S. No. 32/2009.

4) In the aforesaid background, having regard to the fact that there might be overlapping evidence on the same issues, judicial discipline warrants that both these suits be tried together.

5) As such, both above referred suits be clubbed and be decided together.

6) Writ Petition stands disposed of in the above terms.

[NITIN W. SAMBRE, J.]