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

WRIT PETITION 2067 OF 2022

Parasmal Omkarmal Jain

... Petitioner.

V/s.

1. Mrs. Khatunbi Abdul Gafoor Saheb
Shaikh & Anr.

... Respondents.

Mr. Pramod Pawar, Advocate for the Petitioner.

CORAM : ROHIT B.DEO, J.

DATE : JULY 22, 2022

PC :

1. Petitioner is the original plaintiff in Special Civil Suit 1284 of 2018 and defendant 2 in Regular Civil Suit 1893 of 2015.

2. The petitioner is challenging the order dated 25.02.2020 rendered by the 27th Joint Civil Judge, Senior Division, Pune, whereby the application preferred by the petitioner for consolidation and clubbing of Regular Civil Suit 1893 of 2015 with Special Civil Suit 1284 of 2018, is rejected.

3. The application is preferred on the premise that subject property and the parties are the same. It further appears that in Regular Civil Suit 1893 of 2015, the petitioner who is the defendant, attempted to delay the proceedings by preferring an application exhibit 53, for keeping the suit in abeyance which the learned trial Judge has rejected.

4. By the order impugned, the prayer of the petitioner for consolidating and clubbing the suit is rejected and while order impugned, is cryptic, having perused the record, I am more than satisfied that no interference in writ jurisdiction is necessary.

5. It appears that the petitioner is the tenant who is defendant 2 in Regular Civil Suit 1893 of 2015. The said civil suit has progressed significantly and is at the stage of final arguments. On the other hand Special Civil Suit 1284 of 2018 which is instituted by the petitioner is at the preliminary stage since recording of evidence has not commenced.

6. In this view of the matter, question of consolidating or clubbing both the suits does not arise.

7. Petition is dismissed.

(ROHIT B. DEO, J.)

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