

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.2887 OF 2022**

Ranju @ Rajnibala Shivprashad Gupta
Versus

.. Petitioner

State of Maharashtra & Ors.

.. Respondents

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- Mr. Ashok M. Saraogi a/w. Mr. Mayur N. Parwani for Petitioner
- Mr. S. D. Rayrikar AGP for State-Respondent No.1
- Ms. Nikita Bhavsar i/b. N. P. Bhavsar for Respondent No.2

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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 09, 2022.

P.C.:

1. Heard Mr. Saraogi, learned Advocate for Petitioner; Mr. Bhavsar, learned Advocate for Respondent No. 2 and Mr. Rayrikar, learned AGP for Respondent No. 1 – State.

2. Perused the impugned order dated 09.12.2019 passed in Chamber Summons No. 213 of 2018. Petitioner sought impleadment in L.C. Suit No.3012 of 2017 in view of the Petitioner's claim to premises bearing I.D. No.394. The suit before the Trial Court has been filed in respect of Plaintiff's claim to premises bearing I.D. Nos. 389 and 394, which is refuted by the Petitioner (Applicant therein). Perusal of impugned order reveals that Petitioner has already filed a substantive suit being Suit No. 3134 of 2011 in respect of premises bearing I.D. No.394. Both the learned Advocates are *ad idem* that

substantive rights of the parties can be determined in both the suits in respect of entitlement to premises bearing I.D. No.394 if they are tried together.

3. By consent of parties, the learned Trial Court is requested and directed that Suit No. 3134 of 2011 and Suit No.3012 of 2017 be heard and decided together.

4. In view of the above direction, the impugned order dated 09.12.2019 stands quashed and set aside.

5. No further orders are required in the Writ Petition.

6. Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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