

H. H. Sawant

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.1135 OF 2022

Smt. Sarubai Pradhan Kunjir and Ors. .. Petitioners
Versus
Shraddha Associates and Ors. .. Respondents

**WITH
WRIT PETITION NO.10832 OF 2009
WITH
INTERIM APPLICATION NO. 3930 OF 2019
WITH
CIVIL APPLICATION NO. 1859 OF 2019**

Sarubai Pradhan Kunjir and Ors. .. Petitioners
Versus
Mahadeo @ Baban Hari Kade Deceased and Anr. .. Respondents

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- Dr. Abhinav D. Chandrachud & Mr. Nitin Jagtap i/by Mr. Pawan Patil for Petitioners
 - Mr. Y. S. Jahagirdhar, Sr. Advocate i/by Mr. Suresh M. Sabrad for Respondents
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**CORAM : MILIND N. JADHAV, J.
DATE : NOVEMBER 30, 2022.**

P.C.:

1. Heard learned Advocates for respective parties.
2. Petitioners in both the writ petitions have filed Special Civil Suit No. 1400 of 1997 in the Trial Court seeking specific performance which is now numbered as Regular Civil Suit No. 59 of 2013. Subsequent thereto Respondent No.1 has filed Special

Civil Suit No. 1549 of 2012 against the original land owner (subsequent purchaser) wherein Petitioners before the Court has sought intervention. Their intervention application has been rejected and therefore, Petitioners are before this Court.

3. Considering that the subject matter, parties and property in both the aforesaid suits are same, it would be prudent and in the interest of justice that both suits i.e. Regular Civil Suit No.59 of 2013 and Special Civil Suit No.1549 of 2012 are tagged and tried together by the trial Court. It is so directed. Both suits shall be heard and decided by 8th Joint Civil Judge Senior Division and Additional Chief Judicial Magistrate, Pune.

4. Learned Advocates have informed the Court that there are certain interim/ad-interim orders granted by the Trial Court which may require a look into. In so far as the ad-interim/interim orders are concerned, parties will be at liberty to make fresh application before Trial Court.

5. In view of the above, the order below Exhibit-69 stands set aside.

6. The intervention application preferred by the Petitioners for impleadment in Special Civil Suit No.1549 of 2012 filed by the Respondent No.1 is allowed by this Court. Petitioners shall be

impleaded as Respondents in Special Civil Suit No.1549 of 2012.

7. The Plaintiffs in the said suit shall carry out necessary amendment within a period of two weeks on receipt of the writ of this Court. The order dated 10.11.2009 impleading respondent No.1 in Regular Civil Suit No.59 of 2013 stands confirmed.

8. With the above directions, both the Writ Petitions are disposed of. Interim Application as also Civil Application are also disposed of.

[MILIND N. JADHAV, J.]

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