

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1650 OF 2022

Pandhari s/o Nilkanth Kurekar

Vs.

Varsha Gajanan Nikhade

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. S. Dhore, Advocate for petitioner.
Mr. A. P. Thakare, Advocate for respondent.

CORAM : AVINASH G. GHAROTE, J.

DATE : 24/08/2022

1. Mr. Dhore, learned counsel for the petitioner/original plaintiff in Regular Civil Suit No.101 of 2018 and defendant in Regular Civil Suit No.68 of 2018 submits, that the evidence as already recorded in Regular Civil Suit No.68 of 2018, is being adopted by his client as his evidence in Regular Civil Suit No.101 of 2018 and the petitioner/plaintiff in Regular Civil Suit No.101 of 2018 will not be leading any other evidence.

2. Mr. Thakare, learned counsel for the respondent/defendant in Regular Civil Suit No.101 of 2018 and Regular Civil Suit No.68 of 2018, hereby adopt the evidence led by the plaintiff in Regular Civil Suit No.68 of 2018 for the purpose of Regular Civil Suit No.101 of 2018 and states, that the defendant in Regular Civil Suit No.101 of 2018, will not lead any other evidence than what has been adopted as indicated above, and has no objection, if the suits are consolidated

and decided by common judgment. In view of the statement, the impugned order dated 1.10.2021 is hereby quashed and set aside and Regular Civil Suit No.101 of 2018 and Regular Civil Suit No.68 of 2018, are hereby consolidated and directed to be decided by common judgment.

3. The challenge to the order dated 5.3.2022 below Exh.110 seeking to add Tahsildar as a party, is rejected.

4. The petition is partly allowed. No costs.

JUDGE

Sarkate