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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11687 OF 2022

Rajendra Ramchandra Indrale

PETITIONER

VERSUS

Chandrakant Manmath Zunje and Others

RESPONDENTS

Mr. A. A. Joshi h/f Mr. Shadad V. Nattu, Advocate for petitioner
Mr. K. P. Rodge, Advocate for respondents No.1, 4 and 5
Mr. Nilkanth D. Batule, Advocate for respondents No.2 and 3

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 14th SEPTEMBER, 2023

ORDER :

1. The petitioner is aggrieved by order dated 16th September, 2022 passed by learned Civil Judge, Senior Division, Latur below Exhibit-57 in Regular Civil Suit No. 118 of 2018, thereby rejecting the application filed by the petitioner – plaintiff for clubbing the said suit along with Special Civil Suit No. 5 of 2018 and Special Civil Suit No. 203 of 2011.

2. Suit property involved in Regular Civil Suit No.118 of 2018 *ad measuring* 2 Hectare is from Gut No.90, suit property i.e. 2 Hectare land, involved in Special Civil Suit No. 5 of 2018 is from Gut No.90 and suit property i.e. land *ad measuring* 3 Hectare 16

Are involved in Special Civil Suit No. 203 of 2011 is also from Gut No.90 along with House No. 549. Special Civil Suit No. 203 of 2011 is filed for partition and separate possession whereas the other two suits are filed for declaration for ownership and perpetual injunction as well as for cancellation of sale deed.

3. Heard learned advocate for the petitioner and the learned advocates for the respondents. Perused the memo of writ petition, its annexures and the impugned order.

4. Considering the fact that all the three suits are pending before the same Court, it is desirable that all the suits be clubbed together and by recording evidence separately, they be decided simultaneously. The Trial Court has failed to consider this aspect and has erroneously rejected the application filed by the petitioner.

5. In the result, following order

ORDER

- A. Writ petition is allowed.
- B. Impugned order dated 16th September, 2022 passed by learned Civil Judge, Senior Division, Latur below Exhibit-57 in Regular Civil Suit No. 118 of 2018 is quashed and set

aside.

- C. Application Exhibit-57 is allowed.
- D. All the 3 suits i.e. Special Civil Suit No. 203 of 2011, Regular Civil Suit No. 118 of 2018 and Special Civil Suit No. 5 of 2018 are clubbed together and evidence in the same shall be recorded separately and they shall be decided simultaneously, within a period of one year from the date of receipt of writ of this order.

[NITIN B. SURYAWANSHI]
JUDGE