

Nikita

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

WRIT PETITION NO.9753 OF 2022

Ramesh Premji Shah ... Petitioner
V/s.
Anita Pankaj Vira and Anr. ... Respondents

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Date: 2023.10.10
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Mr. Akash Rebello a/w Ms. Pruvi Asher a/w Ms. Sayali
Puri-Nair a/w Mr. Mohammed Lokhandawala i/b
Mansukhlal Hiralal & Co, for Petitioner.

Mr. Bhavik Lalan a/w Ms. Vidhi Suthar i/b G.P. &
Associates for Respondents.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 9, 2023

P.C.:

1. The challenge in this petition is to the order passed by the Trial Court in exercise of power under Section 10 of the Code of Civil Procedure, 1908 rejecting the application.
2. However, it appears that during the pendency of the petition, the District Judge in exercise of power under Section 24 of Code of Civil Procedure, 1908 has directed both suits to be tried under Section 24 of the Code of Civil Procedure, 1908. Order dated 1st January 2022, directed Special Civil Suit No.1 of 2019 be transferred to the Court trying Special Civil Suit No.230 of 2017.

3. It appears that Special Civil Suit No.230 of 2017 for partition by the suit property.
4. Special Civil Suit No.1 of 2019 is in possession of the said property.
5. Considering the nature of relief claimed in the suit, it would be in the interest of justice that both suits be tried together by the Trial Court.
6. The evidence in both suits shall be common.
7. With this clarification, no further orders need to be passed in the present petitioner.
8. The writ petition is, therefore, disposed of.

(AMIT BORKAR, J.)