

VRJ

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

WRIT PETITION NO.6375 OF 2022

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Bhushan Thanekar

... Petitioners

V/s.

M. K. Rajpurohit & Ors.

... Respondents

Mr. Sachin Dhakephalkar i/by Ms. Surabhi V.
Vadhavkar for the petitioner.

Mr. Anand S. Kulkarni for respondent No.3.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 8, 2023

P.C.:

1. The petitioner is challenging order passed by the Trial Court rejecting petitioner's application to club Regular Darkhast No.6669 of 2019 with Regular Darkhast No.6539 of 2019.
2. Since both the Execution Petitions arise out of same decree, both the Execution Petitions are required to be clubbed before one Court. Hence, petitioner's application deserves to be allowed.
3. This Court issued notice for final disposal to respondent Nos.1 and 2 on 29th September 2023. The office remark dated 3rd November 2023 shows that respondent Nos.1 and 2 are served through bailiff. Despite entering appearance, none appears for respondent Nos.1 and 2. Since both Execution Petitions arise out of

same decree, I pass following order:

- a) The impugned order rejecting application below Exhibit-14 by order dated 28th January 2022 is quashed and set aside.
 - b) The Regular Darkhast No.6669 of 2019 pending before the Civil Judge, Junior Division, Thane is transferred to Civil Judge, Senior Division, Thane and shall be clubbed along with Regular Darkhast No.6539 of 2019 to be decided by Civil Judge, Senior Division, Thane.
4. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)