



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

WRIT PETITION NO.5976 OF 2023

Prashant S/o Yashwantrao Wanjari .Vs. Satyashila Baban Gholpe and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms I.S. Charlewar, Advocate for petitioner.

CORAM : ANIL S. KILOR, J.

DATED : 15/09/2023

1. An application under Section 24 of the Code of Civil Procedure for transfer of Regular Civil Suit No.35 of 2022 from the file of 3rd Joint Civil Judge, Junior Division, Bhandara to the file of Civil Judge, Senior Division, Bhandara and to club with Special Civil Suit No.66 of 2021 came to be rejected vide order dated 04.03.2023.

2. The learned Principal District Judge, Bhandara while rejecting such application has recorded finding in Paragraph No.7 of the impugned order, which read thus:

“7. Perused the application and documents placed on record. A copy of the plaint of RCS No.35/2022 shows that the suit is filed by petitioner only against the respondent No.1 for ejectment, possession and recovery of arrears of rent. The respondent Nos.2 to 5 are not parties to the said suit. A copy of the plaint of Spl.C.S. No.66/2021 shows that the suit is filed by respondent No.1 against petitioner alongwith other four defendants for specific performance of contract, declaration and cancellation of assignment-deed. In both the suits, the

cause of action, parties and subject matter are different. Therefore, it would not be proper to club together both the suits by transferring the Regular Civil Suit No.35/2022 from the file of 3rd Joint Civil Judge, Jr. Dn., Bhandara to the file of Civil Judge, Senior Division, Bhandara. Hence, application is rejected.”

3. After going through the reason recorded by the learned Principal District Judge, I do not find any error committed by the learned Principal District Judge, Bhandara.

4. The petitioner has failed to point out that the pre-requisites for clubbing both the suits are present in the present matter. In that view of the matter, as there is no merit in the present petition, the writ petition is **dismissed**.

JUDGE