



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

WRIT PETITION NO. 6996 OF 2023

(MOHAN RAMKRUSHNA KHAWLE..VS.. SEVA SAHAKARI SOCIETY LTD. KARODI)

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

Court's or Judge's orders

Shri N.B.Kalwaghe, Advocate for Petitioner.
Shri Vipul Bhise, Advocate for Respondent.

CORAM : ANIL S. KILOR, J.
DATED : FEBRUARY 06, 2024.

1. Heard.
2. The order dated 26/09/2022 passed below Exh.53 by Second Joint Civil Judge Junior Division, Akot, rejecting the application for consolidation of the suits viz. Regular Civil Suit No. 138 of 2017 and Regular Civil Suit No. 118 of 2012, is under challenge in this petition.
3. The consolidation was sought on the ground that there was possibility of conflicting judgments in both the suits.
4. As far as Regular Civil Suit No.118 of 2012 is concerned, it was filed by the Society i.e. owner of the suit property for eviction of the petitioner on the ground of bonafide need. Whereas, the Regular Civil Suit No. 138 of 2017 was filed by the petitioner seeking permanent injunction from evicting him from the suit premises.

5. The suit filed by the Society is for eviction and it is filed on the ground of bonafide requirement. Therefore, in view of the suit filed by the Society and the grounds raised in the said suit for eviction the trial Court would examine the issue whether there is any bonafide requirement or not and in case the Court comes to a conclusion that there is bonafide requirement there is no question to have any conflicting judgments in second suit holding contrary to the decree if any passed in favour of the plaintiff in Regular Civil Suit No. 118 of 2012.

6. In that view of the matter, considering the reasons recorded by the learned trial Court for rejecting the application, I do not find any error committed by the learned trial Court in dismissing the application.

7. Accordingly, the Writ Petition is **dismissed**. No order as to costs.

JUDGE