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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.483 OF 2025

SOCIEDADE CIVIL E PARTICULAR
DOS PESCADORES DE DURBHAT,
THR. DEVANAND @ GOKULDAS
PUNDALIK SHET

... Petitioner.

Versus

JAYNATH LUMO PHADTE
AND ANR.

... Respondents.

Mr. S. S. Kantak, Senior Advocate with Ms. Neha Kholkar,
Advocate for the Petitioner.

Ms. Nicole Mayenkar, Advocate for the Respondents.

**WITH
WRIT PETITION NO.484 OF 2025**

SOCIEDADE CIVIL E PARTICULAR
DOS PESCADORES DE DURBHAT,
THR. DEVANANAD @ GOKULDAS
PUNDALIK SHET

... Petitioner.

Versus

A SOCIEDADE CIVIL E PARTICULAR
DOS PEASADORES DE DURBHAT,
REP. BY ITS ADMINISTRATORS
AND 2 ORS.

... Respondents.

Mr. S. S. Kantak, Senior Advocate with Ms. Neha Kholkar,
Advocate for the Petitioner.

Ms. Nicole Mayenkar, Advocate for the Respondents.

CORAM: VALMIKI MENEZES, J.

DATED: 5th December, 2025

P.C:

1. Registry to waive office objections and register the matters.
2. After hearing these matters for some time, learned Senior Advocate Mr. S. S. Kantak submits that he would not press for the reliefs in this petition, considering that the affidavit in evidence of the Plaintiff has been filed in RCS No.28/2020/C before the Civil Judge Junior Division, 'C' Court at Ponda. He further submits that considering that the reliefs sought in RCS No.89/2019/B before the Civil Judge Junior Division 'B' Court at Ponda, which is filed by the present Petitioners is for a declaration that the Petitioner Society is a properly constituted Society and the Defendants in that suit (Jaynath Phadte and Rameshwar Shet), claimed, in RCS No.28/2020/B that their Society, the Plaintiff in their suit (SOCIEDADE CIVIL E PARTICULAR DOS PESCADORES DE DURBHAT) is a properly registered and functional Society, but the trials in both these suits ought to be consolidated.
3. Reliance is sought to be placed on the Judgment of the Supreme Court in *Gupte Cardiac Care Centre and Hospital v. Olympic Pharma Care (P) Ltd.*; (2004) 6 SCC 756.
4. Considering that the reliefs sought in this petition are not

pressed for in view of the submissions made, the same is dismissed as withdrawn.

5. The Trial Court shall proceed with the directions contained in this Judgment without being influenced by the prima facie findings given in the impugned order.

6. However, having noticed that the subject matter of RCS No.89/2019/B pending before the Civil Judge Junior Division, 'B' Court, Ponda (for declaration) and that in RCS No.28/2020/C pending before the Civil Judge Junior Division, 'C' Court, Ponda, is the same, and common issues arise in these two suits, there is every likelihood, since the same are in two different Courts, that conflicting decrees/reliefs may be granted to the parties.

7. In this view of the matter, I deem it appropriate to exercise powers under Section 24 CPC, and transfer, with consent of the parties who are before me, RCS No.28/2020/C from the file of the Civil Judge Junior Division, 'C' Court, Ponda to the file of the Civil Judge Junior, 'B' Court, Ponda. I am given to understand the charge of 'C' Court, Ponda, is presently with the Judicial Officer in charge of 'B' Court, Ponda. The Judicial Officer is directed to register the directions contained in this order and have the file transferred to 'B' Court, Ponda.

8. After RCS No.28/2020/C is transferred to 'B' Court, Ponda,

the learned Civil Judge shall consolidate the trials in both these suits by framing issues common to both these suits by framing issues common to both these suits. The parties report that an affidavit in evidence has been filed by Jaynath Phadte, who claims to be the Administrator of the Society SOCIEDADE CIVIL E PARTICULAR DOS PESCADORES DE DURBHAT, Plaintiff in that suit. Considering that RCS No.89/2019 was filed earlier in point of time, the evidence of Jaynath Phadte shall be kept in abeyance and the Plaintiff in RCS No.89/2019 shall proceed with completing their evidence after consolidating the two suits, after which the Court shall permit Jaynath Phadte to lead evidence and if required, to file an additional affidavit-in-evidence, considering that the suits have now been consolidated.

This is in consonance with what has been held in *Gupte Cardiac Care Centre and Hospital* (supra).

9. The Writ Petitions stand disposed of with the above directions. Parties shall act on the authenticated copy of this order, which shall be placed in both the aforementioned files. The learned Civil Judge, considering that the suits are of the year 2019 and 2020, shall endeavour to complete the trial and dispose of both suits by a common Judgment, preferably by 30.11.2026.

VALMIKI MENEZES, J.