

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5237 OF 2025

Vijay Vithal Dubli and nee Patel since
deceased through LRs. ...Petitioners

Versus

The Maharashtra Housing and Area
Development Authority and anr. ...Respondents

Mr. Pankaj Das, a/w Richa Singh, for the Petitioners.
Ms. Ankita Dwivedi, for Respondent No.2.
Mr. Hamid Mulla, AGP for the State, for Respondent No.4.

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CORAM: N. J. JAMADAR, J.
DATED: 22nd APRIL, 2025

Order:-

1. Heard the learned Counsel for the petitioners.
2. The petitioners are aggrieved by an order dated 3rd April, 2025 passed by the learned Judge, City Civil Court, whereby the prayers of the petitioners to club SC Suit No.1756 of 2005 and Suit No.233 of 2010 with SC Suit No.2310 of 2004, which is now reserved for judgment.
3. The learned Counsel for the petitioners submitted that initially all the suits were being heard together. However, after the evidence was closed in SC Suit No.2310 of 2004 and arguments were heard, different dates have been assigned for

the three suits and it is necessary to club all the suits as the controversy in all the suits is identical.

4. I have perused the impugned order. The learned Judge has recorded in clear and explicit terms that SC Suit No.2310 of 2004 is for setting aside the decree passed in SC Suit No.470 of 1993, whereas the other suits are for injunctive reliefs. Since the final arguments in SC Suit No.2310 of 2004 were heard and the matter is posted for judgment, the learned Judge declined to accede to the request to club all the three suits together.

5. No fault can be found with the impugned order. At best, if the judgment is delivered in SC Suit No.2310 of 2004, all the consequences including *res judicata* and *issue estoppel*, as permissible in law, would follow. Thus, no prejudice would be caused to the parties.

6. The petition stands dismissed.

[N. J. JAMADAR, J.]