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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5764 OF 2025**

Dr. Aathilinga Perual ... Petitioner

vs.

M/s. Destiny Estate and Consultants and Anr ... Respondents

Mr. Akshay Pai i/b. Bina R. Pai for Petitioner.

Mr. Mandar Limaye a/w. Mr. Vedant Bende for Respondent Nos. 1 and 2.

CORAM : GAURI GODSE, J.

DATED : 11th JUNE 2025

ORDER:

1. Learned counsel for the petitioner seeks leave to amend the petition to add prayer to challenge the order passed below Exhibit-38. Leave granted. Amendment to be carried out forthwith in the court. Learned counsel for the petitioner on instructions submits that the petitioner would not press the challenge to the order passed below Exhibit-97. He further submits that the interest of justice would suffice if the application at Exhibit-38 is allowed and both the suits are clubbed and tried together.

2. In view of the aforesaid statement made on behalf of the petitioner, learned counsel for the respondents on instructions of respondent no.2 submits that the respondents would have no objection if both the suits are clubbed and tried together.

3. I have perused the papers of the petition. The subject matter of both the suits is the same. The parties to both the suits

except for plaintiff no.2 in Special Civil Suit No. 247 of 2017 are also same. Plaintiff No.2 in Special Civil Suit No. 247 of 2017 is a member of plaintiff no.1-HUF. Hence, considering the same subject matter of both the suits, the same parties in both the suits, and the nature of reliefs claimed in both the suits, it is in the interest of the parties that both the suits are clubbed and tried together. Hence, considering the aforesaid submissions made on behalf of both the parties, writ petition is disposed of by passing the following order:

I) The impugned order dated 12th April 2022, passed by the learned 7th Joint Civil Judge Senior Division, Thane below Exhibit-38 in Special Civil Suit No. 540 of 2016 is quashed and set aside.

II) The Special Civil Suit No. 540 of 2016 and Special Civil Suit No. 247 of 2017, pending before the learned 7th Joint Civil Judge Senior Division, Thane shall be clubbed and tried together.

III) Time to decide both the suits granted vide order dated 20th February 2024 by this court in Writ Petition No. 13158 of 2023 is extended by one year from today.

4. Writ Petition is disposed of in the aforesaid terms.

(GAURI GODSE, J.)