

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10833 OF 2025

Babanrao Rajaram Pund And Another

VERSUS

Sandesh Bhivsan Wagh And Others

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Advocate for the Petitioners : Mr. Mehta Punit S.

Advocate for Respondent No.1 : Mr. Pande Balraj Prakash

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JUNE 10, 2026

PER COURT :-

1. The petitioners raise challenge to order dated 06.03.2025 passed by Principal District Judge, Aurangabad in Civil Misc. Application No.176 of 2024, whereby petitioners prayer to transfer Special Civil Suit No.238 of 2016 and Special Civil Suit No.246 of 2016 to one and same Court for joint trial has been rejected.

2. Learned advocate appearing for petitioners submits that parties to both suits are one and same. Further, defence raised in both suits on behalf of petitioners is based on common set of facts. Therefore, there is possibility of conflicting decisions in suits if they are not heard together.

3. On going through pleadings in plaint and issues framed by respective Courts, it is evident that subject matter of suits is altogether different. The suits are filed on different cause of action. It is possible that petitioners/defendants are trying to take up some defence which has common trail, however, that itself cannot be a

reason to consolidate both suits when issues are not intermingling. The possibility of conflicting judgments as posed on behalf of petitioners is not discernible in facts of case.

4. In result, no case is made out to cause interference in impugned order. Hence, writ petition stands rejected.

(S.G. CHAPALGAONKAR, J.)