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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12676 OF 2019

Snehalata Vitthal Gaikwad … Petitioner

vs.

Charudatta Bhagwantrao Nandre … Respondent

Mr. Rahul Kashid (on VC) for the Petitioner

CORAM : GAURI GODSE, J.

DATED : 7th OCTOBER 2026

ORDER:

1. The original defendant has filed this petition to challenge the trial court's order rejecting two separate review applications filed by the plaintiff and the defendant, seeking review of the order dated 12th June 2019. By the order under review, the trial court directed the parties to record separate evidence in both the suits, i.e. the civil suit for specific performance and the suit filed under the Maharashtra Rent Control Act, 1999 ('**Rent Act'**).

2. Learned counsel for the petitioner submits that without giving any opportunity or issuing any notice to the parties, the trial court suo motu reviewed its earlier order dated 15th April 2015, directing the parties to record common evidence. He submits that, in the interest of the parties, they should be

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allowed to lead common evidence, as both suits relate to the same parties and property. He therefore submits that the trial court's decision to review its own order and direct the parties to record separate evidence would warrant interference by this court.

3. I have perused the papers of the petition. By order dated 15th April 2015, the trial court recorded that the civil suit was transferred to be heard along with the rent suit, as the district court had transferred it. The trial court further recorded that, considering the nature of both suits, the evidence in both suits would be recorded in Regular Civil Suit No. 3912 of 2012. By order dated 12th June 2019, the trial court held that it was exercising special jurisdiction under the Rent Act and the transferred suit was to be decided together. Hence, the court reviewed the earlier order and directed both parties to lead evidence separately in both suits.

4. It appears the district court transferred the civil suit to be heard along with the rent suit. Both the suits were therefore tried before the same court. Considering the different nature of both the suits, the trial court directed the parties to record

separate evidence in both suits. However, the same court is trying both suits.

5. By the impugned order, the trial court refused to recall the earlier order dated 12th June 2019 on the ground that the court needs to exercise the jurisdiction of the small causes court and has a different jurisdiction to be exercised in the civil suit and the rent suit; the parties are directed to lead separate evidence in both the suits. Hence, the trial court refused to review its earlier order.

6. I do not see any illegality or perversity in the reasons recorded by the trial court in directing the parties to lead separate evidence in both the suits. The trial court has therefore rightly refused to entertain the review application. No prejudice is caused to any party. This is not a fit case to exercise discretionary jurisdiction under Article 227 of the Constitution of India to interfere with the impugned order.

7. The writ petition is devoid of any merit. Hence, the writ petition is dismissed.

(GAURI GODSE, J.)