

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12273 OF 2025

Sebastian Joseph Sequeira and Anr

..Petitioners

Versus

Dilip Mahasukhlal Shah and Ors

...Respondents

Mr. Drupad Patil, with Suyash Sule and S.M. Sabu, for the Petitioners.

Mr. Prasanna S. Tare, with Sufala R Pednekar, for Respondent Nos. 4
to 7 & 11 to 13.

Mr. Sumanth Anchan, for Respondent No. 31A.

CORAM: N. J. JAMADAR, J.

DATE : 27th JANUARY 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 20th March 2025 passed by the learned Civil Judge, Senior Division, Thane, whereby an Application preferred by the Petitioner in SCS No. 78 of 2011 for impleadment as a party-Defendant in the said Suit came to be rejected.
3. SCS No. 78 of 2011 has been instituted for declaration and partition of the property by metes and bounds with an assertion that the suit property therein was acquired under the registered Sale Deed dated 5th October 1965 and a Correction Deed dated 28th June 1967.

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4. The Petitioners herein have instituted a Suit, being SCS No. 83 of 2012, wherein the Petitioners seek a declaration that the Deed of Conveyance dated 27th July 1949, and two accompanying Indentures of the even date, are valid, subsisting and binding in respect of the property which is also the subject matter of Suit No. 78 of 2011.

5. The Petitioners have also sought a declaration that the Indentures dated 5th October 1965 and the purported Deed of Correction dated 28th July 1967 are illegal, null and void ab-initio.

6. Since common issues as regards the legality and validity of the Sale Deed dated 5th October 1967 and the Deed of Correction dated 28th July 1967 may arise for adjudication in both the suits, it would be appropriate that both the suits are to be decided by one and the same Court, simultaneously.

7. Mr Patil, the learned Counsel for the Petitioners, submits that the suits are pending on the file of two different Courts. According to his instructions, both the suits are at the stage of recording of evidence.

8. In view of the aforesaid submissions and having regard to the fact that simultaneous trial and adjudication of both the suits would advance the cause of justice, the Petition stands disposed with the following directions:

: O R D E R :

(i) The learned Principal District Judge, Thane is requested to assign SCS No. 78 of 2011 and SCS No. 83 of 2012 to one Court for hearing and disposal in accordance with law.

(ii) The learned Civil Judge to whom SCS No. 78 of 2011 and SCS No. 83 of 2012 would be assigned is requested to hear and decide both the suits in accordance with law, simultaneously.

(iii) The learned civil Judge is requested to make an endeavour to decide both the suits as expeditiously as possible.

Petition disposed.

[N. J. JAMADAR, J.]