

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2460 OF 2026**

Rajendra Kisan Deshmukh and Anr. ... Petitioners
versus
Laxmibai Vilas Deshmukh and Ors. ... Respondents

Mr. Rameshwar N. Gite with Mr. Sandesh S. Shinde, for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 10 MARCH 2026

P.C.

1. Heard the learned Counsel for the Petitioners.
2. The challenge in this Petition is to an order dated 5 January 2026 passed by the learned Principal District Judge, Pune, whereby the application preferred by the Petitioners for clubbing of RCS Nos.286 of 2017 and 255 of 2016 came to be rejected.
3. The issues of transfer of the suit to one Court from another and clubbing of the two suits are qualitatively different. Clubbing of the suit, in the sense of consolidation of the suits, cannot be ordered as a matter of course. A useful reference in this context can be made to the judgment of the Supreme Court in the case of Chitivalasa Jute Mills V/s. Jaypee Rewa Cement¹.
4. Learned Counsel for the Petitioners, on instructions, submits that both the suits are pending on the file of one and the same Judge i.e. Civil Judge,

¹ (2004) 3 SCC 85

Jr. Division, at Daund, Pune. The suit instituted by the Petitioners i.e. RCS No.286 of 2017 is at the stage of hearing of the application for temporary injunction and another suit i.e. RCS No.255 of 2016 instituted by the Respondents is at the stage of recording of evidence. The said suit proceeds ex-parte.

5. In view of the aforesaid submissions, since both the suits are pending before the one and the same Court, it would be expedient that the learned Civil Judge decides both the suits simultaneously, yet, independently.

6. The Writ Petition, thus, stands disposed with a request to the learned Civil Judge to decide RCS Nos.286 of 2017 and 255 of 2016 simultaneously, yet independently.

(N.J.JAMADAR, J.)