

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST) NO.3518 OF 2026
WITH
INTERIM APPLICATION (ST) NO. 3519 OF 2026
IN
APPEAL FROM ORDER (ST) NO.3518 OF 2026

Purushottam Gagan Thakur

.. Appellant

Versus

State Bank of Bikaner and Jaipur Employment
'Utkarsha' CHS Ltd.

.. Respondent

-
- Mr. Pradeep Gole a/w. Mr. Azharuddin Khan for Appellant / Applicant.
-

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 05, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 05.02.2026. Perused the praecipe.
- 2.** Heard Mr. Gole, learned Advocate for Appellant / Applicant.
- 3.** The grievance of Appellant who is Plaintiff before the Trial Court is that he has filed one suit proceedings. The Respondent has filed a First Suit is for seeking injunctive relief in respect of an area admeasuring 150 sq.mtrs. out of land bearing C.T.S. No.857 (p) situated at Mulund, Mumbai. Plaintiff has also filed a separate Civil Suit bearing Special Civil Suit No.1592 of 2024 against said Defendant seeking declaration for trespass and also relief of possession in respect of plot of land admeasuring 167.5 sq.mtrs out of C.T.S. No.859 and

13.5 sq.mtrs. from C.T.S. No.860. This Suit was filed in the year 2022, but transferred and renumbered in the year 2024.

4. Mr. Gole would submit that since parties are the same and cause of action would be the same, both the Suits are required to be clubbed together and heard together.

5. In the first instance there is a clear period gap of 11 years between the two Suits. Secondly it is *prima facie* seen that the subject matter of both the Suit proceedings are two different plots of lands though Mr. Gole would agitate that the parties are same and the cause of action is the same. *Prima facie* it is seen that description of both suit properties are not the same. The first Suit is Regular Civil Suit whereas the second Suit is registered as Special Civil Suit filed in the year 2022 but registered in 2024.

6. The impugned order is passed on 12.01.2026 in Notice of Motion No.2007 of 2025 wherein clubbing of both the Suits together on the basis that cause of action is the same stands rejected. *Prima facie* on the basis of above observations and the record when perused, I find no reason to interfere with the said order. The same is correctly passed and therefore upheld.

7. Needless to state that Regular Civil Suit No.3247 of 2013 which is pending on record and file of the Court for more than 11 years is directed to be expedited and determined as early as possible

and in any event within a period of six months from today. In so far City Civil Suit No.1592 of 2024 (filed in 2022) is concerned, the same stands expedited.

8. With the above directions, Appeal from Order is disposed. In view of disposal of Appeal from Order, pending Interim Application is also disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]