

IN THE BOMBAY CITY CIVIL COURT, AT MUMBAI

ORDER BELOW EXH.2

IN

SUIT NO.2227/2015

1. Shri Satendra Narayan Baikunth Singh & Anr.

....Plaintiffs

V/s.

1. Shri Pradeep Kumar Pandurang & Ors.

....Defendants

Adv. Mr. P. D. Gandhi for plaintiffs.

Adv. Mr. Kini for defendants.

CORAM : HHJ Shri Sanjay V. Patil,

C. R. No.01

DATE : 30.01.2017

(Dictated in open court)

ORDER

1. This is application for clubbing the two suits. In short, plaintiffs submitted that plaintiffs have filed present suit 2227/2015 for declaration and injunction and also for possession.

2. On the other hand, defendant no.1 & 2 have filed suit no.5952/2007 for Specific Performance of the Agreement alleged to have been executed between defendant no.1 & 2 on one hand and defendant no.3 & 4 on other hand. Plaintiff submitted that subject matter of both suits is the same property. In view of this, he prayed for clubbing the both suits and for trying together.

3. I have heard Adv. Gandhi, Ld. Counsel for the plaintiff in suit no.2227/2015 and Adv. Kini for defendants. In short, Ld. Counsel for the plaintiff pointed out that the property in both suits is flat no.3/D-301 of Swagat Co-operative Housing Society and therefore, he prayed for clubbing both these matters.

4. On the other hand, Adv. Kini, Ld. Counsel for the defendants objected and submitted that defendant no.1 & 2 have filed another suit against defendant no.3 & 4 and the plaintiff in both the suits are different parties. He further submitted that the relief claimed in both suits are also different and therefore, both suits shall not be clubbed together. He also pointed out my attention to the other objections taken regarding limitation, etc.

5. I have considered the submissions of both the Ld. Counsels. It is pertinent to note that the property involved in both the suits is same flat of Swagat Co-operative Society. In addition to this, the plaintiff in both suits are parties in other suit also and therefore, I find that it would be just and proper to decide both these suits together in order to avoid conflicting decision in respect of the said property. I therefore, find substance in the present application. Hence, I proceed to pass following order.

ORDER

1. The application is allowed with no order as to cost.
2. The suits bearing no.2227/2015 and suit no.5952/2007 are now clubbed and be tried together and shall be decided together by way of a common judgment.
3. Both parties are directed to adduce evidence in old suit

no.5952/2007.

4. Exh.2 is disposed off accordingly.

(Sanjay V. Patil)
Judge
City Civil Court,
Gr. Bombay.

Date : 30.01.2017

Order dictated on : 30.01.2017
Transcribed on : 31.01.2017
Signed on : 31.01.2017

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”

31.01.2017 at 04.45 pm
UPLOAD DATE AND TIME

(Mrs. S. W. Tuscano)
NAME OF STENOGRAPHER

Name of the Judge (with Court room no.)	HHJ Shri S. V. Patil, C.R. No.1
Date of Pronouncement of JUDGMENT/ORDER	30.01.2017
JUDGMENT/ORDER signed by P.O. on	31.01.2017
JUDGMENT/ORDER uploaded on	31.01.2017