

ORDER BELOW EXH.38 IN R.C.S.19/2016

Perused the application and say filed on it. Heard both sides. Perused the record. It reveals that, present matter is quite old. Similarly, R.C.S. No. 28/14 is also old matter. Perused the both proceedings. In both proceedings, suit properties are different. Parties to suit are different. Cause of action is also different. Facts and circumstances of both the suit proceedings are different. It is matter of record that S.No. 54/4 and 54/5 are adjacent to each other. Also, it is matter of record that in R.C.S. No. 28/14 there is counter-claim. Def. No.1 in the present proceeding is plaintiff in R.C.S.28/14. In present proceeding, trial is already commenced. In such circumstances, it would not be proper and just to conduct the hearing of both proceedings together. Hence, application is dismissed. Parties to note.

Sd/-

Vengurla.

(K.K.Patil)

Date : 28/06/2022.

Civil Judge, Jr. Dn., Vengurla.