



ORDER PASSED BELOW EXH.42.

(CNR No.MHWS110013112025)

**Jaikisan Khurshilal Thakur (Pardeshi) Vs. Manohar
Dhannulal Chaware & Ors.**

Present application has been filed by plaintiffs under Section 151 of the C.P.C.,1908 thereby praying for clubbing or consolidation of the proceedings i.e. present suit and L.A.C. No.60/2019 for joint trial of both proceedings.

02] Perused application, say of defendant No.1 at **Exh.43** and documents filed by both the parties on record. Heard learned advocates appearing for respective parties.

03] Learned advocate for plaintiffs has submitted that defendant No.4 has filed the proceedings i.e. L.A.C. No.60/2019 under Section 19(c)(4) of Maharashtra Highways Act, 1955 to decide the apportionment of amount of compensation or any part thereof to person to whom the same or any part thereof is payable. Prior to filing of said proceedings by defendant No.4, the plaintiff has already filed present suit for perpetual injunction along with application for temporary injunction. It is further submitted that plaintiffs and defendants are the parties in the said Land Reference Proceeding No.60/2019 which is pending before this Court.

04] Learned advocate for plaintiffs has further submitted that considering the nature of both proceedings i.e. present suit and

L.A.C. No.60/2019, it appears that subject matter of both proceedings is the same and between the same parties and in respect of same property. In such circumstances, to avoid the further complication and multiplicity of proceedings, it is necessary to club and consolidate both the proceedings for joint trial so as to decide the same simultaneously. This Court is having ample power under Section 151 of C.P.C. to club the both proceedings for joint trial. Hence, learned advocate for plaintiffs has prayed for grant of this application by relying upon the judgments in following cases -

- 1) **Ravikumar Shrichandji Kalra and Ors. Vs. Pradeepsingh Sunderlal Chouhan and Ors., reported in 2011 CJ (Bom) 448.**
- 2) **Shikhar Chand Vs. Suresh Chand and Anr., reported in 2007 CJ (Raj) 677.**
- 3) **Manakchand Ruthia Vs. Rajendra Kumar Agrawal and Anr., reported in 2007 CJ (MP) 521.**

05] On the contrary, Learned Advocate for defendant No.1 has strongly opposed the present application on the ground that both the proceedings i.e. present suit and L.A.C. No.60/2019 are totally different and can not be clubbed for joint trial as prayed by the plaintiffs because in the present suit, relief of perpetual injunction is sought and in the L.A.C. No.60/2019, the issue is in respect of apportionment of amount of compensation to rightful person. As

such, it can not be said that same issue is involved in both the proceedings. Hence, learned advocate for defendant No.1 has prayed for rejection of this application.

06] Having regard to the submissions of learned advocates appearing for respective parties, it becomes clear that both the proceedings i.e. present suit and L.A.C. No.60/2019 are totally different and can not be clubbed for joint trial as prayed by the plaintiffs because in the present suit, relief of perpetual injunction is sought thereby restraining defendants from obstructing possession of plaintiffs over the suit property along with prayer for injunction against defendant Nos.2 to 4 restraining them from disbursing the amount of compensation to defendant No.1 and in the L.A.C. No.60/2019, the issue is in respect of apportionment of amount of compensation to rightful person.

07] As such, the plaintiffs have not made out case to club or consolidate both the proceedings for joint trial. At the most, it can be done that both the proceedings will be kept on daily board on the same day so that plaintiffs will take participation in said L.A.R. proceedings as well. So far as judgments cited supra by learned advocate for plaintiffs are concerned, with due respect, they are not helpful for the plaintiffs as the facts and circumstances of cited cases are different from the facts and circumstances of present suit. In the cited cases, clubbing of civil suits had been sought for joint trial. However, by way of present application, plaintiffs are seeking clubbing of civil suit with the Land Reference Proceeding. Thus, I

think it just and proper to reject present application. Hence, following order is passed.

ORDER

- 1] Application is rejected.
- 2] Both the proceedings i.e. present suit and L.A.C. No.60/2019 will be kept on daily board on the same day.
- 3) Parties to take note of this order.

Date – 20/04/2026.

(S. W. Thombre)
Civil Judge, (Sr.Dn.),
Karanja (Lad).

CERTIFICATE

I affirm that the contents of this PDF file judgment/order are same word to word, as per original judgment/order.

- 1) Name of Stenographer :- S. P. Kale (Stenographer G-III)
- 2) Name of Court :- Civil Judge (S.D.), Karanja.
- 3) Date :- 20/04/2026
- 4) Order signed by the
presiding officer on :- 20/04/2026
- 5) Order uploaded on :- 20/04/2026