

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 10099/2017

(Arising out of impugned final judgment and order dated 23/03/2017 in WP No. 3469/2017 passed by the High Court of Bombay)

LATE LAXMAN GENUJI SATAV
(SINCE DECEASED) THROUGH LRS.

Petitioner(s)

VERSUS

KAILASH LAXMAN SATAV AND ANR.

Respondent(s)

(With appln. (s) for exemption from filing c/c of the impugned judgment, exemption from filing O.T. and interim relief)

Date : 10/04/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. V. Giri, Sr. Adv.
Mr. Makarand D. Adkar, Adv.
Mr. Vijay Kumar, Adv.
Mr. Aashirwad R. Kulkarni, Adv.
Ms. Aparna Jha, Adv.
Mr. Ganesh Kalekar, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The High Court has rightly rejected the application of the petitioner under Section 10 of the Code of Civil Procedure as it is not a case for stay of the second suit, when it is found that both the suits were filed on the same day. It would be more appropriate that both the suits are tried together, if circumstances permit. We, therefore, give liberty to the petitioner to move an application before the Trial Court for the consolidation of the two cases.

With these observations, the special leave petition is disposed of.

(Nidhi Ahuja)
Court Master

(Mala Kumari Sharma)
Court Master