

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2023
(arising out of SLP (C) No. 18499 of 2022)

KUNDA AMBADAS HANUMANTE & ANR. APPELLANTS

VERSUS

THE COLLECTOR OFFICE OF THE
COLLECTOR PUNE & ORS. RESPONDENTS

O R D E R

Leave granted.

Having heard the learned counsel for the parties, we are of the opinion that the impugned judgment/order rightly holds that the two suits, Civil Suit No.100/2012 (earlier Suit No. 57/2011) for cancellation of the registered agreement to sell and other documents filed by the appellants, Kunda Ambadas Hanumante and Rahul Ambadass Hanumante, and Civil Suit No.21/2022 for declaration and grant of perpetual injunction under Section 38 of the Specific Relief Act, 1963 filed by respondent Nos. 3 and 4, Anil Maruti Raut and Appasaheb Maruti Raut should be tried before one court.

However, we are of the opinion that the two civil suits should not be consolidated. They shall continue to remain separate suits. The two proceedings/suits may continue simultaneously so that they can also be decided together.

Accordingly, the impugned judgment/order is partly modified and the appeal is allowed in the above terms.

Till the decision of the two suits, money deposited by the

State/authorities would remain in the court and converted into an interest bearing Fixed Deposit Receipt (FDR) for a period of one year with an auto renewal clause. The deposit with interest would abide by the direction/order of the Court.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(BELA M. TRIVEDI)

NEW DELHI;
JULY 17, 2023.

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(s). 18499/2022

(Arising out of impugned final judgment and order dated 21-06-2022 in WP No. 4835/2022 passed by the High Court of Judicature at Bombay)

KUNDA AMBADAS HANUMANTE & ANR.

Petitioner(s)

VERSUS

THE COLLECTOR OFFICE OF THE COLLECTOR PUNE & ORS. Respondent(s)

(IA No. 146253/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 146254/2022 - EXEMPTION FROM FILING O.T.)

Date : 17-07-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Shirish K. Deshpande, AOR
Ms. Rucha Pravin Mandlik, Adv.
Ms. Harsimran Kaur Rai, Adv.
Mr. Mohit Gautam, Adv.
Mr. Apoorv Sharma, Adv.

For Respondent(s) Mr. Aniruddha Deshmukh, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.

Mr. Atul Babasaheb Dakh, AOR
Mr. Diganta Gogoi, Adv.
Mr. Bitu Kumar Singh, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)