

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3182 OF 2014

Gena Babu Raikar,
deceased, through L.Rs. Suresh
Gena Raikar & ors.

..PETITIONERS

VERSUS

Ramchandra Vitthal Rajopadhye
and ors.

..RESPONDENTS

Mr Niteen V. Gaware, Advocate for petitioners;
Mr Umakant Wagh, Advocate holding for Mr A.V. Hon, Advocate for
respondent no.1

CORAM : N.W. SAMBRE, J.

DATE : 23rd February, 2015

ORAL ORDER :

By the present writ petition, the petitioners, who are legal representatives of deceased defendant no.2, seek to challenge the order dated 20th February, 2014, passed by Civil Judge Senior Division, Shrigonda, below Exh.106, in Special Civil Suit No.138 of 1993, whereby prayer for stay of further proceedings in Regular Civil Suit No.304 of 2000 came to be rejected.

2. The cause cited for taking out application Exh.106 is pendency of Second Appeal Nos.405 of 2011 and 406 of 2011 before this Court, which according to Mr Gaware will have direct bearing over the issue involved in

the suit in question.

3. The learned Trial Court, having considered the submissions made by the present petitioner/original defendant No.2-E, has rejected application Exh.106 by citing appropriate reasons, i.e. nature of relief claimed in the present suit and that of in Second Appeal, nature of properties involved, issues raised for consideration, etc.

4. Having considered the reasons recorded by the learned Trial Court for passing the order impugned herein, in my opinion, no case for interference in extraordinary jurisdiction of this Court is made out. Thus, the present writ petition fails and stands dismissed with no order as to costs.

(N.W. SAMBRE, J.)

amj