

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

905 WRIT PETITION NO. 9845 OF 2016

RAJKUMAR DEVIDASRAO MALSHETWAR @ MARKAS DEVIDASRAO
NAGARKAR
VERSUS

CHABURAO BABURAO RUPTAKE AND OTHERS

...
Advocate for Petitioner : Mukhedkar Amit A.

CORAM : T.V. NALAWADE, J.

DATED : 1st October, 2016.

ORDER :

1. The petition is filed to challenge the order made by the learned Civil judge, Senior Division, Nanded on Exh. 54 in R.J.E. No.426/2014. It appears that application filed under section 10 of the Civil Procedure Code by the present appellant, husband for staying the proceeding of succession certificate is rejected by the Trial Court. The learned counsel for present petitioner submitted that the two proceedings are filed for succession certificate, one by husband and one by brother of the deceased and two proceedings ought to have been clubbed together. It can be said that subsequently filed petition could not have been stayed under section 10 of C.P.C. as matters involve rights of different parties and there is no possibility of interference in the said decision. However, the matters can be clubbed together which could have been done by District Court.

To avoid delay such order needs to be made in the present proceeding.

2. The two matters are clubbed together. Petition is disposed of in those terms.

[T.V. NALAWADE, J.]

ssc/