

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2294 OF 2015

(Pandurang s/o Ramchandra Lahore (deceased) through L.Rs. Smt. Chanda Purushottam Lahore and others vs. Gangabai wd/o Shridhar Kulkarni (deceased) through L.R. Padmanabh s/o Govind Dharmadhikari)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri B.N. Mohta, Advocate for the petitioners.

CORAM : SMT. VASANTI A NAIK, J.

DATED : OCTOBER 10, 2016

By this writ petition, the petitioners challenge the order of the 2nd Joint Civil Judge, Junior Division, Akot, dated 1.4.2015 rejecting the application filed by the petitioners for staying the suit filed by the respondent.

On hearing the learned Counsel for the petitioners and on a perusal of the impugned order, it appears that there is no scope for interference with the impugned order in exercise of the writ jurisdiction. The suit is an old suit, filed in the year 1994 and the Maharashtra Revenue Tribunal had dismissed the revision filed by the petitioners. Though the petitioners had filed a writ petition challenging the order of the Maharashtra Revenue Tribunal, it was observed by the trial Court in the impugned order that there was no order of the High Court staying the suit. The trial Court rightly held that the suit was pending in the Court for nearly 25 years and there was no propriety in staying the same.

Since the impugned order is just and reasonable, the request made on behalf of the petitioners that this writ petition may be tagged with the other writ petition filed by one of the legal heirs of the tenant is liable to be rejected. In the said writ petition, one of the legal heirs of the tenant has challenged the order of the Maharashtra Revenue Tribunal and in the present writ petition, the order of the trial Court refusing to stay the suit is challenged. The request of the learned Counsel for the petitioners is extremely unreasonable and unjust. Hence, the writ petition is dismissed with costs.

JUDGE

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CERTIFICATE

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Private Secretary

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