

**IN THE HIGH COURT OF JUDICATURE  
AT BOMBAY**

**BENCH AT AURANGABAD.**

**WRIT PETITION NO.4715 OF 2013**

Sanjay S/o Namdeorao Mane  
and others. ... Petitioners.

Versus

Valubai W/o Namdeorao Mane. ... Respondent.

...  
Mr.P.R.Katneshwarkar, advocate for the petitioners  
...

**CORAM : S.V.GANGAPURWALA J.**

**Date : 28.08.2017.**

**PER COURT :**

1. Though Respondent is served, none appears for the Respondent.

2. The application filed by the petitioner U/s 10 of the C.P.C. for stay of the suit is rejected only on the count that petitioner failed to file the documents as directed by the Court under order dated 28.2.2013.

3. Mr.Katneshwarkar, learned counsel submits that petitioner had filed on record photo copies of the judgments of the trial Court, the appellate Court and the proceedings in Second Appeal. The Respondent admitted the said documents.

4. The petitioners were also directed to file on record the certified copies of plaint, written statement and issues.

5. The learned counsel for the petitioners undertakes to file the said documents within six weeks. The said statement is accepted.

6. The impugned order is quashed and set aside. The petitioners shall file on record the certified copies of plaint, written statement, issues in RCS No.260/2004, in addition to the documents that are already filed. Upon the said documents being filed, the trial Court shall reconsider the application for stay of suit filed by the petitioner (Exh.21) afresh and decide it on its own merits.

7. The Writ Petition is accordingly  
disposed of. No costs.

**( S . V . GANGAPURWALA, J . )**

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