

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

WRIT PETITION NO. 3414 OF 2016

(UMADEVI GOPAL AGRAWAL....VS.. SUSHILABAI RAMESHKUMAR HOTHCHANDANI & 4 OTH.)

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

Court's or Judge's orders

Shri V.S.Mishra, Advocate for Petitioner.
Shri A.N. Vastani, Advocate for Respondent Nos.1 to 4.

CORAM : Z.A.HAQ, J.

DATED : APRIL 11, 2017.

Heard.

The plaintiff in Regular Civil Suit No.22 of 2009 has challenged the order passed by the trial Court rejecting the application (Exh.No.84) filed by her under Section 10 of the Code of Civil Procedure. By this application (Exh.84) the plaintiff prayed that the proceedings of Regular Civil Suit No. 24 of 2009 be stayed till decision of Civil Suit No. 84 of 2008 now registered as Regular Civil Suit No.112 of 2012 and till decision of Civil Suit No.72 of 2008 now registered as Regular Civil Suit No.107 of 2012. The plaintiff prayed for stay of the proceedings of Regular Civil Suit No.22 of 2009 on the ground that the subject matter of the suit filed earlier is the same as the subject matter of Regular Civil Suit No.22 of 2009 and the suits are between the same parties.

Earlier application under Section 24 of the Code of Civil Procedure was filed before the District Court praying for consolidation of the above referred civil suits and this application was allowed by the learned Principal District Judge on 19th September, 2011. In the application

(Exh.No.84) filed by the petitioner it is stated that inspite of order passed by the learned Principal District Judge consolidating the trial of the civil suits, the civil suits continued to pend in different Courts and therefore, the proceedings of Regular Civil Suit No.22 of 2009 were required to be stayed.

Shri A.N.Vastani, advocate appearing for the respondent Nos. 1 to 4 has submitted that now all the 3 civil suits are before one Court and they can be tried simultaneously as per the order passed by the learned Principal District Judge on 19th September, 2011.

Considering the above facts and as I find that the learned trial Judge has not committed any patent illegality or error of jurisdiction, I see no reason to interfere with the impugned order.

The petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE