

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.11049 OF 2015  
(Nirmala w/o Nutankumar Jaiswal Vs. Nathusa Dhepusa Kothade)

Mr.P.U.Gujrathi h/f Mr.A.G.Talhar, Advocate for the petitioner.

( CORAM : Ravindra V.Ghuge, J.)

DATE : 20/06/2018

PER COURT :

1. I have heard the learned Advocates for the petitioner / original plaintiff who is aggrieved by the order dated 04/03/2015 passed by the Trial Court in RCS No.67/2005 by which Application Exhibit 70 seeking a stay to the said suit till the decision in RCS No.4/2003, has been rejected.

2. It is informed that RCS No.4/2003 has already been decreed against this petitioner/plaintiff on 10/01/2013 and Reg.Civil Appeal No.7/2013 is pending final adjudication.

3. It is the contention of the plaintiff that she has filed the present suit for recovery of unpaid rent and eviction of the tenant on the basis of bonafide requirement. She is a defendant in the earlier suit wherein that plaintiff claims ownership over the same suit property. This plaintiff is litigating with that plaintiff in the earlier suit for

ownership of the property on the basis of a Will Deed executed by the father in law of the present plaintiff. The Trial Court has concluded in the earlier suit that this plaintiff is not entitled to the ownership of the suit property.

4. Considering the above, I do not find that the Trial Court has committed any error in rejecting application Exh.70. This petition, being devoid of merit, is therefore, dismissed.

5. Needless to state, since RCA No.7/2013 is pending before the Appellate court for the past 5 years, it is expected that the Appellate Court would make an endeavour to decide the said appeal expeditiously.

( Ravindra V.Ghuge, J.)