

1. Heard learned counsel for the petitioners.
2. Petitioners' application to stay the proceeding in Regular Civil Suit No. 282/2018 under section 10 of the Code of Civil Procedure has been rejected by the impugned order. It is the contention of the petitioners that the petitioners, at the earlier point of time have filed a Special Civil Suit No. 35/2007 for declaration that the Deed dated 17 February 2004 be declared as void and illegal and have also sought a relief of injunction and the respondents have filed a

suit bearing Regular Civil Suit no. 282/2012 for simplicitor injunction, which should be stayed.

3. The subject matter of both the suits are therefore different. In the subsequent suit the respondents therein are seeking a simplicitor injunction against the petitioner. The learned Civil Judge, albeit in the context of Order 7 Rule 11 of the Code of Civil Procedure, has observed that the respondents could file an independent suit or a counter claim seeking injunction. However, property appears to be the same in both the suits. Though this may not be a case for staying the suit under section 10 of the Code of Civil Procedure, the petitioner can always approach the concerned Judge for necessary directions to club both the suits together. If such an application is made, the concerned Judge will not doubt consider the application on its own merit after giving an opportunity to the respondents.

4. With these observations, writ petition is disposed of.

N.M. Jamdar, J.