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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO. 307 OF 2017

Prakash Madhukar Deshpande ...Applicant.
vs
Smt. Meena Manaji Gandale & Ors. ...Respondents
.....
Mr Prakash Deshpande, the party in person.
Mr Nitesh N. Toshniwal for the Respondents.

.....
**CORAM : B.P.COLABAWALLA, J.
NOVEMBER 26, 2018.**

P.C. :

This Civil Revision Application has been filed by the applicant who is appearing in person, assailing the order dated 1st April, 2017 passed below Exh.55 in Special Civil Suit No. 1593 of 2015. Exh. 55 was an application filed by Defendant No.21 (the applicant herein) under Section 10 read with Section 151 of the Code of Civil Procedure, 1908, seeking stay of the present suit on the ground that the applicant's father had filed an earlier suit being Regular Civil Suit No. 1727 of 1996 for an injunction and which was pending before another Civil Judge, Senior Division.

2 It was the contention of the applicant that the matter in issue in Special Civil Suit No. 1593 of 2015 was also directly and substantially in issue in Regular Civil Suit No. 1727 of 1996 and which was between the same parties and even the suit properties were the same in both the suits. It was, in these circumstances, that the applicant sought stay of the suit being Special Civil Suit No. 1593 of 2015.

3 This application was opposed by the Plaintiff as well as Defendant No.15. After hearing the parties, the Trial Court came to a categorical finding that the parties to both the suits were not the same. It further held that in Special Civil Suit No. 1593 of 2015 the prayers sought were for declaration, injunction and cancellation of sale-deed, whereas the relief claimed in Regular Civil Suit No. 1727 of 1996 was only for permanent injunction. This being the case, the Trial Court held that the ingredients of Section 10 of the Code of Civil Procedure, 1908 were not satisfied, and therefore, dismissed Exh.55.

4 I have heard Mr Prakash Deshpande, the party in person. I do not think that this order calls for any interference in my revisional jurisdiction. The party in person was unable to point out whether the parties in both the suits were one and same or claiming through any of them. This was a pointed question put by me to the party in person. As recorded by the Trial Court, the plaintiffs as well as Defendant Nos.4,5,6,7,10,14 and 15 in Special Civil Suit No. 1597 of 2015 were not parties to Regular Civil Suit No.1727 of 1996 on the date when the impugned order was passed. This being the case, I do not find that any interference is called for in my revisional jurisdiction. The Civil Revision Application is accordingly dismissed. However, there shall be no order as to costs.

5 In view of dismissal of the Civil Revision Application itself, the ad-interim order passed therein is vacated forthwith. It is clarified that this order will not preclude the party in person from making any application based on subsequent developments.

(B.P.COLABAWALLA, J.)