

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

APPEAL AGAINST ORDER NO.21/2017

Malaram Vasurang Satija and another
..Vs..
Chandrashekhar Narayan Shahu

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

Court's or Judge's orders

Shri S.D. Khati, Advocate for the appellants.

CORAM : Z.A. HAQ, J.

DATE : 4.4.2018.

Heard.

After hearing the learned Advocates for the appellants and respondent, following substantial questions of law arise for consideration.

(i) *Whether the civil suit filed by the respondent is maintainable as the relief sought by the respondent in the civil suit cannot be granted without upsetting decision of Debts Recovery Tribunal ?*

(ii) *Whether the claim made by the respondent / plaintiff in Regular Civil Suit No.378/2016 is barred as per the provisions of Order II Rule 2 of the Code of Civil Procedure in view of filing and decision of Regular Civil Suit No.1290/2010 ?*

The appeal is **admitted** on the above substantial questions of law.

Shri S.B. Walekar, Advocate waives notice for

the respondent.

CIVIL APPLICATION (CAA) NO.36/2017

Considering the facts of the case, there shall be interim order in terms of prayer clause of civil application till the disposal of appeal. The civil application is **allowed** accordingly. No costs.

JUDGE

Tambaskar.