

IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.

WRIT PETITION NO. 6644 OF 2019

Kantilal Tulshiram Kokni/Suryavanshi and another ...Petitioner

Versus

Dilip Rajmal Kokni/Pawar

...Respondent

Mr. S.V. Natu, Advocate for petitioner.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 11th JUNE, 2019

PER COURT:

1. The petitioners/defendants, in Regular civil suit No. 63 of 2013, have moved an application (Exh. 96) requesting the Court to stay their own suit in view of another Regular civil suit No. 222/2013 filed by the respondent Dilip Rajmal Kokni, in which the petitioners are respondents No. 6 & 7. They have filed their written statement at Exh. 68 in this suit.

2. The contention is that in the suit preferred by these petitioners, they have sought specific performance of agreement to sell and a direction to the respondent, who is plaintiff in Reg. civil suit No. 222/2013, to execute a sale deed and handover the

possession of the suit property. The respondent, who has filed this suit, has sought the relief of setting aside the decision of the State Government dated 5th April, 2013, resuming the land admeasuring 40 R. in Gat No. 144/1/B.

3. Shri Natu, learned Advocate, therefore, submits that if respondent Dilip succeeds in his suit, only these petitioners can proceed with their suit, vide which, the same land admeasuring 40 R sold by Dilip's father to the petitioners, can be handed-over to them. If respondent Dilip fails in his suit, these petitioners would get no relief in their suit and hence their suit needs to be stayed or kept in abeyance until the suit filed by Dilip is decided.

4. Considering the above, I am of the view that the suit preferred by respondent Dilip, which is at the stage of cross-examination of the defendants and is more than six years old, could be expedited and liberty could be granted to these petitioners to proceed with their suit after the suit filed by respondent Dilip is finally decided.

5. In view of the above, this petition is disposed off, with a direction to the Trial Court to decide the regular civil suit No. 222/2013 as expeditiously as possible and, preferably on or before 29th February, 2020.

6. Liberty is granted to the petitioners to proceed with

their regular civil suit No. 63 of 2013 upto the stage of recording of evidence. The Trial Court would decide the said suit after regular civil suit No. 222/2013 is decided.

(RAVINDRA V. GHUGE)
JUDGE

Madkar