

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13938 OF 2019

BHARAT PRABHAKARRAO RUDRAWAR AND ANOTHER
VERSUS
ASHOK PRABHAKAR NAIKNAVARE AND OTHERS

Mr.V.V.Bhavthankar, Advocate for the petitioners.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 19/11/2019

PER COURT :

1. The petitioners/original defendant Nos. 1 and 2 in RCS No.213/2019 are aggrieved by the order dated 24/09/2019, by which the Trial Court has rejected Application Exh.49 filed u/s 10 of the CPC and refused to stay the said suit.
2. I have considered the strenuous submissions of the learned Advocate for the petitioners and have gone through the 7 grounds formulated in the memo of the petition.
3. The issue is as to whether the present 2019 suit should be stayed till RCS No.288/2015 is decided.

4. The 2015 suit pertains to Gat No.63 and the suit property is 19R land. The plaintiffs in the said suit have sought injunction against the defendants and subsequently have amended the plaint for including the relief of declaration of ownership. Defendant Nos.21 and 22 in the first suit are the plaintiffs in the second suit seeking declaration of ownership and injunction in the same gat number, but for a completely different parcel of land which is co-incidentally adjacent to the suit land in the first suit.

5. Considering the above, I do not find that the Trial Court has committed any error in passing the impugned order holding that the suit properties in the different suits are unconnected and different. The writ petition, being devoid of merit, is therefore dismissed.

(Ravindra V.Ghuge, J.)