

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

WRIT PETITION NO. 15058 OF 2019

PANDHARINATH RAMRAO CHOURE
VERSUS
RAMRAO GYANBARAO CHOURE AND OTHERS

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Advocate for the Petitioners : Shri Nirmal Ravindra

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 16th DECEMBER, 2019

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PER COURT :

1. The Petitioner / plaintiff in Regular Civil Suit No. 91/2018, is aggrieved by the order dated 06/08/2019 passed by the Trial Court, by which, application Exhibit 21 filed by the defendants seeking a stay to the present suit until the earlier Regular Civil Suit No. 78/2015 is decided, has been allowed.

2. I have considered the strenuous submissions of the learned Advocate for the Petitioner.

3. It appears from the impugned order and the record available, that in the earlier suit, a house

property is involved wherein the parties are litigating for partition and separate possession. It is the contention of the plaintiff Petitioner in the present suit that the house property was purchased from the income of the joint family nucleus. However, in the subsequent suit of 2018, the Petitioner prays for possession of three rooms from the eastern side on the ground that he has become the owner and possessor as a partition had taken place.

4. I find that the suit property which is a house, is already a subject matter of the 2015 suit in which the right, title and interest of the litigating sides would be decided. Once the shares of the parties are decided, the said decision would assist the Court in the subsequent suit in which the Petitioner claims recovery of possession of three rooms on the eastern side.

5. As such, I do not find that the impugned order could be termed as being perverse or erroneous. The earlier suit is practically more than four years old and

considering the peculiar facts of the case, the hearing in the earlier suit deserves to be expedited.

6. As such, this petition is disposed off. The learned Court dealing with Regular Civil Suit No. 78/2015 shall endeavour to decide the said suit as expeditiously as possible and in any case, on or before 31/08/2020.

(RAVINDRA V. GHUGE, J.)

shp/-