

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

WRIT PETITION NO. 1159/2019

Dilip Purushottam Sarda ..VS.. Sudarshan Govind Ghotekar

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

Court's or Judge's orders

Shri G.M. Kubade, advocate for the petitioner.

CORAM : Z.A.HAQ, J.
DATED : 15/02/2019

Heard.

The petitioner has challenged the order passed by the Trial Court, by which the application (Exhibit-19) filed by the him under Section 10 of the Code of Civil Procedure is dismissed. The learned trial Judge has observed that the issues which arise for consideration in the two suits, are not directly and substantially same.

The Special Civil Suit No. 21/2015 filed by the petitioner is pending in the Court of Civil Judge, Senior Division, Pusad and Regular Civil Suit No.66/2017 which is subsequently filed by the respondent is pending in the Court of Civil Judge, Junior Division, Umarkhed.

After going through the impugned order and considering the facts of the case, I find that the learned trial

Judge has rightly refused to stay the proceedings of Regular Civil Suit No. 66/2017. It cannot be said that the learned trial Judge has failed to exercise the jurisdiction vested in him, and there is neither any illegality or error of jurisdiction which necessitates interference by this Court in the extra-ordinary jurisdiction.

The writ petition is **dismissed**. No costs.

The petitioner will be at liberty to file proper application for consolidation of the two suits, if so advised.

JUDGE

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