

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

910 WRIT PETITION NO.3538 OF 2020

SHRIKRISHNA LAXMAN CHOUDHARI  
VERSUS  
CHITRALEKHA BALMUKUND CHOUDHARI AND ANOTHER

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Advocate for Petitioner : Smt. Ansari A.N.

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CORAM : RAVINDRA V. GHUGE, J.  
Dated: March 03, 2020

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PER COURT :-

1. The petitioner / defendant No.1 in Special Civil Suit No.71 of 2013 is aggrieved by the order dated 7.1.2020, passed by the trial Court, vide which, it has refused to exercise its jurisdiction under Section 10 and has rejected Exhibit 47 filed by the petitioner, praying for staying the suit until the counter claim in RCS No.110 of 2011 is decided.

2. I have considered the strenuous submissions of the learned Advocate for the petitioner and have gone through the fourteen grounds formulated in the memo of the petition.

3. There is no dispute that RCS No.131 of 2009 was settled in Lok-Adalat and a sale deed was executed in favour of the petitioner, who was the plaintiff. In RCS No.110 of 2011, the petitioner was the

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intervenor / defendant No.4. Defendant Nos.1 to 3 preferred a counter-claim. Plot No.30 is a part of the present suit and plot Nos. 34, 14 and 176 are subject matters of the counter claim. The present suit pertains to plot No.30, which was received by this petitioner under a sale deed pursuant to the Lok-Adalat decree in RCS No.131 of 2009.

4. Considering the above, the reasoned order passed by the Court below does not appear to be perverse or erroneous. This petition, being devoid of merit is, therefore, dismissed.

( RAVINDRA V. GHUGE, J. )

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