

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

WRIT PETITION NO.5911 OF 2021

Dhananjay Anna Wadekar,
Age :44 years, Occu. Agri.
R/o. Gopalpur,
Tq. & Dist. Aurangabad.

... **PETITIONER**
(Orig. Plaintiff)

VERSUS

1. Sudhakar Sonaji Wadekar,
Age : 37 years, Occ: Agri.,
R/o. Gopalpur,
Tq. & Dist. Aurangabad.
2. Bandu Sonaji Wadekar,
Age : 30 years, Occ: Agri.,
R/o. Gopalpur,
Tq. & Dist. Aurangabad.
3. Varsha Sudhakar Wadekar,
Age : 33 years, Occ: Household
R/o. Gopalpur,
Tq. & Dist. Aurangabad.
4. Dhrupadabai Sonaji Wadekar,
Age : 58 years, Occ: Household
R/o. Gopalpur,
Tq. & Dist. Aurangabad.
5. Sonaji Kisan Wadekar,
Age : 63 years, Occ: Agri.,
R/o. Gopalpur,
Tq. & Dist. Aurangabad.
6. Sunita Bandu Wadekar,
Age : 28 years, Occ: Household
R/o. Gopalpur,
Tq. & Dist. Aurangabad.

... **RESPONDENTS**
(Orig. Defendants)

...
Advocate for Petitioner: Mr. Dinesh U. Manwatkar h/f. Mr. Sachin S. Randive
...

CORAM : MANGESH S. PATIL, J.

DATE : 23.09.2021

ORAL JUDGMENT :

Heard.

2. The The petitioner is the original plaintiff in Regular Civil Suit No.805/2017, taking objection to the order passed under Section 10 of the Code of Civil Procedure directing his suit to be stayed till decision of the Regular Civil Suit No.593/2017.

3. I have carefully gone through the papers particularly the pleadings in both the suits. The petitioner in his suit is seeking declaration of his being the owner in possession of the suit property and perpetual injunction passed on sale deed No.1992/2017. In RCS No.593/2017 the respondent Nos. 1 and 2 herein are claiming a declaration that the self same sale deed is null and void. The petitioner is the defendant No.1 in that suit. It is thus quite apparent that whether the sale deed is valid or otherwise is a matter which is directly and substantially in issue in both the suits. Since the suit of the petitioner has been filed at a latter point of time, I find no apparent illegality or perversity in the view taken by the learned Civil Judge that by virtue of the provision of Section 10, in order to avoid conflicting decisions, when the issue involved in both the suits is directly and substantially the same and even the parties are same the petitioner's suit deserves to be stayed.

4. The Writ Petition is dismissed *in limine*.

(MANGESH S. PATIL, J.)