

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3374 OF 2020

Sou. Satyabhama Ramesh Berar Petitioner

Vs.

Shri. Atul G. Kadam & Ors. Respondents

Mr. Shivshankar D. Patil for Petitioner.

Coram : NITIN W. SAMBRE, J.

Date : 4th MARCH, 2021

P.C.:

1. The order impugned is passed below Exhibit 35, an application under Section 10 of C.P.C. preferred by the Respondents came to be allowed.

2. The Petitioner initiated Special Civil Suit No.54 of 2017 against the Respondents seeking a declaration that the Deed dated 21st February, 2012 is sham and bogus.

3. Defendant No.3 to the aforesaid suit preferred suit being Regular Civil Suit No.52 of 2015 seeking specific performance based on the very same agreement of sale dated 21st February, 2012 as against the Petitioner.

4. As the suit of the Petitioner is later in point of time based on similar set of facts, pleadings and the parties, in my opinion, the Court below was justified in exercising the powers under Section 10 of C.P.C..

5. No case for interference is made out. The Petition fails, dismissed.

(NITIN W. SAMBRE, J.)