

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 2102 of 2022

[Pramod s/o Suresh Deshmukh and ors. ..vs.. Godawari Wd/o Manoharrao Deshmukh and anr.]

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

Court's or Judge's orders

Mr. A. M. Tirukh, Advocate for the petitioners

CORAM : ROHIT B. DEO, J.

DATED : 21-4-2022

The petitioners are the defendants in Regular Civil Suit 37/2020 which is instituted by respondent 1 for injunction on the basis of title and possession. The suit property is Gats 177 and 214 of Mauza Jambhora.

2. The defendants filed application purportedly under Section 10 read with Section 151 of the Code of Civil Procedure for stay of Regular Civil Suit 37/2020. The premise is that defendants 1 and 2 have instituted Regular Civil Suit 18/2019 against respondent 1 seeking relief of injunction in respect of Gat 177 which is one of the two properties involved in the subsequently instituted suit.

3. The learned trial Judge rejected the application and instead of staying the subsequent suit, directed that both the suit be consolidated and tried together.

4. I do not see any error in the view taken. Rather the view taken, is in the interest of the stakeholders and is the only view which could have been taken considering the fact that in the subsequently instituted suit, an additional property, Gat 214 is also the subject matter. In any event, there is no prejudice caused, and as observed supra, such consolidation and joint trial would avoid conflicting decisions and multiplicity of the proceedings. The petition is dismissed.

JUDGE

wasnik