



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

WRIT PETITION NO.889/2019

Shri Chandragupta s/o Kashiraoji Patil

...Versus...

Sau. Chitrabai w/o Vinayak Nemane and others

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

Court's or Judge's orders

Mr. G.R. Sadar, Advocate for petitioner

CORAM : AVINASH G. GHAROTE, J.

DATE : 30/10/2023

1. Heard Mr. Sadar, learned counsel for the petitioner. The petition questions the order below Exh.13 dated 15/10/2018 (pg.70) rejecting the application under Section 10 of the Code of Civil Procedure (for short hereinafter, "CPC") on the ground that the earlier suit bearing Regular Civil Suit No.116/2013 is not pending, but has been decided on 02/07/2016 and therefore the requirements of Section 10 of CPC are not satisfied. The purpose of Section 10 of CPC is to avoid contrary decision by two different Courts in respect of the same subject matter.

2. In the present case, there is no suit pending, as it is an admitted position that Regular Civil Suit No.116/2013 has already been decided, considering which, the requirements

of Section 10 of CPC are not satisfied. I, therefore, do not see any reason to interfere in the impugned order. The writ petition is dismissed. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar