



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

929 WRIT PETITION NO. 10321 OF 2023

SADASHIV WAMANRAO BAGAL AND OTHERS

VERSUS

OMPRAKASH WAMANRAO BAGAL

...

Advocate for the Petitioner : Mr. Narwadkar Mrigesh D.

Advocate for Respondent : Mr. G. D. Kale

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CORAM : R. M. JOSHI, J.

Dated : June 12, 2024

PER COURT :-

1. During the Course of the hearing, learned Counsel for both sides submit that the petitioner has filed suit bearing Regular Civil Suit No.265/2020 claiming possession over the area admeasuring 66 X 66 sq.ft. from Gut No.264 situated at village Kakandi, whereas the respondent has filed suit bearing Regular Civil suit No.331/2021 claiming possession over entire Gut No.264.

2. The petitioner had filed application under Section 10 of the Code of Civil Procedure for stay of the suit filed by the respondent. The said application is rejected by the Trial Court.

3. During the course of the hearing, learned Counsel for both sides, on instructions, made statement that the petitioner as well as the respondent have no objection if Regular Civil Suit No.265/2020 and 331/2021 are decided simultaneously.

4. Having regard to the fact that both petitioners and respondent are claiming the possession over the portion of Gut No.264, it would be in the interest of the parties that both suits are decided simultaneously to avoid any conflict of Judgments. Hence, petition is disposed of, with direction to the Trial Court to decide both suits simultaneously in accordance with law.

5. After this order was dictated in open Court, at 01.30 p.m. learned Counsel for the petitioner informs the Court that the petitioner wishes has to withdraw his consent for simultaneous hearing of the proceedings. It is necessary to note that irrespective of the fact as to whether the petitioner concedes for the decision of both suits simultaneously, as observed herein above, having regard to the nature of the suit are relief prayed therein it would be in the interest of the parties that these suits are decided simultaneously to avoid conflict of Judgment. In any case since on merit petitioner has failed to make out case for stay of the suit filed by respondent. Hence petition stands dismissed. Learned Trial Court to decide Regular Civil Suit No.265/2020 and 331/2021, together.

(R. M. JOSHI, J.)

vj gawade/-.