

Zeenat Pathan

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

WRIT PETITION NO.1876 OF 2019

Kshetra Mahabaleshwar Devasthan Trust
through Estate Manager Devendra Jagtap ... Petitioner

V/s.

Sudhir Bhiku Vadekar and Ors. ... Respondents

Mr. Vijay Killedar, for the Petitioner.

Mr. Shailesh D. Chavan, for the Respondent No.3.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 12, 2024

P.C.:

1. Petitioner filed an application under Section 10 of Code of Civil Procedure, 1908 contending that the proceedings arising out of Maharashtra Land Revenue Code pending before this Court and the substantive suit pending before the Civil Court.

2. Considering the scope of the Section 10 of the Code of Civil Procedure, 1908, the substantial test to attract Section 10 is, whether the decision in the first suit on merits would res judicata, the second proceeding. The first proceeding arises out of under the provisions Maharashtra Land Revenue Code. Therefore, such proceeding being summary case in nature and Section 10 of Code of civil Procedure, 1908 would not apply. No interference is called for.

3. Hence, Petition accordingly stands dismissed.

(AMIT BORKAR, J.)