



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

WRIT PETITION NO.775 OF 2024

Vijaykumar Maniklal Bang and others .Vs. Shyamsunder Sitaram Khandloya and others

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

Court's or Judge's Order

Shri Sajeed Varshani, Advocate for petitioners.

CORAM : ANIL S. KILOR, J.

DATED : 05/02/2024

1. The application under Section 10 of the Code of Civil Procedure (CPC) to stay the suit namely Regular Civil Suit No.38 of 2018, came to be rejected vide impugned order dated 31.10.2023 passed by the Civil Judge Junior Division, Digra, which is the subject matter of the challenge in this writ petition.

2. Admittedly, the stay to the suit is sought in view of the writ petition pending before this court i.e. Writ Petition No.2316 of 2022 which is arising out of an order passed by the Maharashtra Land Revenue Tribunal.

3. The learned trial Court rejected the application on the ground that, the issue in both the matters are different.

4. Moreover, it is not the case of the petitioner that, there are two suits which are pending, out of which, one was previously filed and in both the suits, the parties and the issues are same. In absence of the same, the application under Section 10 of the CPC is rightly rejected by the learned trial Court.

5. Thus, there is no merit in the present writ petition, the writ petition is **dismissed**.

JUDGE