



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

Writ Petition No.866 of 2024

**SHUBHAM NAGRI SAHAKARI PATH SANSTHA MARYADIT, NAGPUR THR.
PRESIDENT, ARVIND S/O. NATTHUJI TALMALE VS SHISHIR S/O.
PRABHAKARRAO BHONGADE**

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

Court's or Judge's Order

Shri H.I. Kothari, Advocate for the Petitioner/s

**CORAM : ANIL S. KILOR, J.
DATED : 06.02.2024**

1. Heard.
2. The order below Exh.16 dated 22.11.2023, allowing the application filed by the respondent/defendant under Section 10 read with Section 151 of the Code of Civil Procedure, for stay to the suit filed by the petitioner, is under challenge in this petition.
3. The respondent filed a suit namely, Special Civil Suit (Spl.CS) No.280 of 2018, seeking cancellation of the sale deed dated 25.05.2015, executed by the defendant in favour of one Kiran Mahalle, the vendor of the petitioner.
4. Subsequent to the said suit, the petitioner filed Regular Civil Suit (RCS) No.90 of 2021 for eviction, possession and mesne profit against the respondent.
5. The learned trial Court, while passing the order on the application Exh.16 moved by the defendant, has observed that in both the suits, the property is same and the titles of both the parties are under cloud.

6. Even otherwise, if the Spl.CS No.280 of 2018 is allowed and decreed, the RCS No.90 of 2021 would not survive for the reason that, the sale deed executed in favour of the vendor of the petitioner would be cancelled and in that contingency, the petitioner would also lose his title.

7. In the circumstances, I do not find any error committed by the learned trial Court in staying the suit filed by the petitioner i.e. RCS No.90 of 2021 till the decision of the Spl.CS No.280 of 2018. Accordingly, the writ petition is **dismissed**.

8. The trial Court is directed to expedite the suit, namely Spl.CS No.280 of 2018 and decide the same at the earliest.

[ANIL S. KILOR, J.]