



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13496 OF 2024

Datta Bhimrao More And Others
VERSUS
Santanbai Dnyandeo Jagtap And Another

• Mr. V. P. Latange, Advocate for the Petitioners

CORAM : R.M. JOSHI, J
DATE : JANUARY 13, 2025

PER COURT :

1. This Petition takes exception to the order passed below Exh. 15 in RCS No. 134/2024 whereby application filed by Defendants for stay of the suit came to be rejected.

2. The facts, as they appear from the record, indicates that the Defendants had filed previous suit bearing No. 8/2013 against Plaintiffs herein and others. The suit property of the said suit is 2R land from Gut No. 463. Whereas, the subsequent suit filed by the Respondents bearing No. 134/2024 is in respect of subject property Gut No. 463 area admeasuring 1H 17R and 80R.

3. Heard learned Counsel for the Petitioners.

4. There is no dispute about the fact that the entire Gut No. 463 is not the subject matter of either of the suit. Once the entire gut is not subject matter of the suit and the suit property claimed to be in possession of the Plaintiff in the instant suit which does not cover the entire gut, there would not be any impediment to try and decide both suits independently. Learned Trial Court has rightly taken into consideration the said aspect as observed in paragraph 5 of the order.

5. For want of any perversity, this Court is not inclined to cause interference therein in exercise of writ jurisdiction. Hence, Petition stands dismissed.

(R.M. JOSHI, J.)