

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3954 OF 2025

Sukhdev Ramchandra Godase ...Petitioner

vs.

Bapu Ramchandra Godase ...Respondent

Mr. Sarvajit Patil a/w. Mr. Mahesh More, for the Petitioner.

CORAM : N. J. JAMADAR, J.

DATE : MARCH 26, 2025

P.C:

1. Heard the learned counsel for the petitioner.
2. This petition is filed assailing the legality, propriety and correctness of an order dated 20th January, 2025 passed by the learned Civil Judge, Mhaswad, Tal. Man, Dist. Satara whereby the application preferred by the petitioner/defendant to stay RCS No. 431 of 2024 in view of the pendency of the former suit being RCS No. 377 of 2023 which has been instituted to set aside the decree passed in RCS No. 147 of 2024, and the partition of the joint family properties. The plaintiff in the instant suit has been impleaded as defendant No. 1 and the defendant has been impleaded as defendant No. 22, in the said previous suit.
3. By the impugned order, the learned Civil Judge was persuaded to reject the application observing inter alia that the causes of action in both the suits are distinct. The reliefs claimed are also different, as in the instant suit only the relief of injunction

was sought.

4. From the perusal of the plaint in both the suits, it appears that the issues which may directly and substantially arise for determination in the previous RCS No. 377 of 2023, do not so arise in the instant suit, though the suit property i.e. Gat No. 82 is one of the properties in the previous RCS No. 377 of 2023.

5. The view taken by the learned Civil Judge, therefore, does not warrant any interference in exercise of writ jurisdiction.

6. However, since common issues may incidentally arise for determination in both the suits, it may be appropriate that both the suits are simultaneously decided by one and the same Court, so as to obviate the possibility of conflicting decisions.

7. The petition, therefore, stands disposed with a direction that RCS Nos. 431 of 2024 and 377 of 2023 be heard and decided by the same Court, simultaneously.

(N. J. JAMADAR, J.)