

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2203 OF 2025

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Vijay Lekhraj Jewarni and ors.

...Petitioners

Versus

Vijay Kanhaiyalal Haran

...Respondent

Mr. Ishaan Kapse, for the Petitioners.

CORAM: N. J. JAMADAR, J.

DATED: 17th FEBRUARY, 2025

PC:-

1. Heard the learned Counsel for the petitioners.
2. The challenge in this petition is to an order dated 5th December, 2024 passed by the learned Civil Judge, Senior Division, Kolhapur, whereby an application preferred by the petitioner to stay RCS No.856 of 2024 by invoking the provisions contained in Section 10 of the Code of Civil Procedure, 1908, in view of the pendency of a former suit i.e. Special Civil Suit No.500 of 2024, filed by the petitioners against the plaintiff in RCS No.856 of 2024, came to be rejected.
3. Having considered the averments in the plaint in both the suits and the issues which directly and substantially arise for determination in both the suits, I am of the view

that the learned Civil Judge has taken a correct view of the matter.

4. However, some of the issues may overlap, incidently or collaterally. It may, therefore, be expedient to direct that RCS No.856 of 2024 and Special Civil Suit No.500 of 2024 be heard and decided by the same Court.

5. Hence, the petition stands disposed with a direction that Regular Civil Suit No.856 of 2024 be transferred to the Court of Civil Judge, Senior Division, seized with Special Civil Suit No.500 of 2024, for hearing and disposal in accordance with law, simultaneously.

6. Both the suits be heard and decided by the same court, simultaneously.

7. Petition stands disposed.

[N. J. JAMADAR, J.]