

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 597 OF 2025**

Shrichand Rajaram Kukreja

..Petitioner

Versus

Tukaram Ambo Bhoir

...Respondent

Mr. Saurabh Vardhan, i/b Ideal Law Firm, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED : 26th FEBRUARY 2025

P.C.:

1. Heard learned Counsel for the petitioner.
2. The challenge in this Petition is to an order dated 1st September 2023 passed by the learned Civil Judge, Senior Division, Kalyan, whereby the Special Civil Suit No. 392 of 2021 has been ordered to be stayed in view of the pendency of a former Suit, i.e., Special Civil Suit No. 133 of 2019.
3. I have perused the Complaint in both the Suits. The whole of the subject matter in the SCS No. 392 of 2021 is covered by SCS No. 133 of 2019. The issues which directly and substantially arise for determination in SCS No. 133 of 2019 also arise for determination in SCS No. 392 of 2021. The decree which may be passed in SCS No. 133

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of 2019 may operate as res judicata in SCS No. 392 of 2021. All the classical requirements for the application of Section 10 of the Code of Civil Procedure 1908, are fulfilled.

4. Thus, this court does not find any error in the exercise of jurisdiction by the Trial Court to stay the proceedings in SCS No. 392 of 2021.

5. Petition dismissed.

[N. J. JAMADAR, J.]