



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

WRIT PETITION NO. 7062 OF 2024

Sunil s/o Manikrao Tifne
..VS..
Rameshwar s/o Kundlik Ghanwat

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N. L. Jaiswal, Advocate for petitioner.
Mr. N. B. Rathod, Advocate for respondent.

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 18th MARCH, 2025

1. Heard both the parties for some time. Both the parties agreed that there is no necessity to stay the proceedings in suit as the proceedings pending before the District Registrar (Money Lending) is separate under the Maharashtra Money Lending Act, 2014.

2. There is a suit bearing Special Civil Suit No.13/2017 which was renumbered as Special Civil Suit No.32/2019. The learned Civil Judge, Senior Division, Mehkar in Special Civil Suit No.32/2019 (Old Spl.C.S. No.13/2017) stayed the proceedings vide order dated 24.10.2024, on the ground that the proceedings under the Maharashtra Money Lending Act, 2014 is pending before the District Registrar (Money Lending), Buldhana. The learned Civil Judge, Senior Division stayed the proceedings in suit on the ground that whether the transaction dated 24.06.2013 was money lending

transaction and the issue before the District Registrar (Money Lending) are the same. Thus, till the final decision by the District Registrar (Money Lending), Buldhana that whether such transaction is executed under the Maharashtra Money Lending Act or not, till that date, it would not be proper to proceed with the suit as the conclusion which would be recorded by the Authority under the Maharashtra Money Lending Act, 2014 would help to decide the issue in the civil suit. However, in my considered opinion, when both the parties are ready to proceed with both the proceedings civil suit as well as proceeding before the District Registrar (Money Lending), the impugned order needs to be set aside, specifically the suit has filed in earlier point of time.

3. The learned Civil Judge, Senior Division, Mehkar is hereby directed to proceed with the suit in accordance with law. The writ petition stands **disposed of** in the above terms.

4. Needless to mention here that the District Registrar (Money Lending), Buldhana should conclude the proceeding within a period of six months.

(SMT. M.S. JAWALKAR, J.)