



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

WRIT PETITION NO.423/2025

Dilip Gangaram Bagde .Vs. Sau. Archana Niranjan Gosavi and Ors.

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

Court's or Judge's orders

Mr. A. A. Dhawas, Advocate for petitioner.
Mr. A. D. Ramteke, Advocate for respondent No.1.
Ms P. C. Bawankule, A.G.P. for respondent No.10 – State.

CORAM : ANIL L. PANSARE, J.

DATE : FEBRUARY 12, 2025

Heard.

2. Challenge is to order dated 18.11.2024 passed below Exh.-66 in Special Civil Suit No.365/2021 by 10th Jt. Civil Judge Senior Division, Amravati, thereby rejecting the application filed by defendant to stay the said suit on the ground that the subject matter of the said suit i.e. agricultural land and the subject matter of earlier suit being Special Civil Suit no. 144/2019, pending between same parties is not the same. In context with the above, learned counsel was asked to show description of the property in both the suits.

3. In Special Civil Suit No. 144/2019, the property is described as under:

“9. Situated at Mouja Nagapure on Ramgaon road bearing S.No.8/1 admeasuring 1 Acre 5 Gunthas.”

In Special Civil Suti No. 365/2021, the suit property is described as under:

“1. Situated at Mouja Nagapur, Pragane – Nandgaon Peth, Tq. & dist. Amravati on Ramgaon Road bearing S.No.8/1 admeasuring 0 H 81 R with trees & shrubs and same is bounded as under:-

*Towards East – Rahatgaon to Ramgaon road,
Towards West - Field fo Shri Dilip Ingole,
Towards North - Road.
Towards Sough - Rest of field survey No. 8/1”*

3. As could be seen, in the suit of 2019, agricultural land is admeasuring 1 Acre 5 Gunta as against in the suit of 2021, the land is admeasuring 0.81 R, equivalent to 2 Acre approximately.

4. That being so, merely because survey number of both the properties are identical, one cannot jump to the conclusion that both the properties are same.

5. In view of thereof, there is no merit in the petition. The petition is dismissed. No order as to costs.

(Anil L. Pansare, J.)

Kahale