



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

WRIT PETITION NO.3450 OF 2024

Suresh S/o. Hiranman Gaikwad Vs. Angesh S/o. Prabhunath Raut and Others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. N.A. Jachak, Advocate for the Petitioner.
Mr. B.J. Lonare, Advocate for the Respondent No.1.

CORAM: SIDDHESHWAR S. THOMBRE, J.

DATED : 09th OCTOBER, 2025

1. Heard Mr. N.A. Jachak, learned counsel for the petitioner and Mr. B.J. Lonare, learned counsel for the respondent No.1.
2. Learned counsel for the petitioner submits that an application was filed under Section 10 of the Civil Procedure Code, 1908 (for short "CPC") by the respondent No.1, seeking stay to the effect and operation of proceeding bearing R.C.S. No.345/2017. He has also stated that the defendant Nos.1 and 2 sought stay of the proceedings on the ground that in respect of property bearing Municipal Corporation House No.1745/B/240 and 1745/B/241, there is another proceeding pending vide R.C.S. No.1145/2013 which is for declaration of ownership. He further submitted that as the suit property is safe in between these two proceedings, therefore, the proceeding vide R.C.S No.345/2017 which is for recovery of rent needs to be stayed. He invited attention of this Court to Section 10 of CPC.

3. Learned counsel for the respondent herein, opposed the said prayer on the ground that though the property is same, the relief claimed in both the proceedings are different and the parties to both the proceedings are different. Therefore, it was specifically averred that considering the tenure of Section 10 of CPC the same is not applicable to the present case.

4. I have gone through the pleadings of the parties, provisions of Section 10 of CPC and after considering the arguments advanced by the learned counsel for the petitioner, I find that the Learned Judge, Small Causes Court, Nagpur has rightly considered the matter and therefore, I do not find any perversity in the order passed by the Trial Court. Accordingly, the writ petition is **dismissed**. No order as to costs.

(SIDDHESHWAR S. THOMBRE J.)

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