



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4786 OF 2025

PREMCHAND RAMPAL LOHIYA
VERSUS
SUBHASH LAXMANSING HAJARI

Advocate for the Petitioner : Ms. Charuta S. Deshmukh
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CORAM : S. G. CHAPALGAONKAR, J.

Date : 16th March, 2026

PER COURT :-

1. The present petitioner takes exception to the order dated 01.03.2025 passed by the learned Civil Judge, Senior Division, Ambajogai, below Exhibit 58 in Special Civil Suit No. 26 of 2023.

2. Ms. Deshmukh, the learned counsel for the petitioner submits that the plaint in Special Civil Suit No. 26 of 2023 has been rejected and presently, an appeal against said rejection is pending before the learned District Judge, Ambajogai.

3. The impugned order was passed on an application filed by the petitioner / defendant under Section 10 of the Code of Civil Procedure, seeking a stay of the suit proceedings on the ground

that the issues involved are substantially the same as those in Regular Civil Appeal No. 30 of 2025, wherein the petitioner has raised objections under Order XXI Rule 97 of the CPC.

4. In light of the rejection of the plaint in Special Civil Suit No. 26 of 2023, the prayer sought in the present petition does not survive. In that view of the matter, the writ petition stands disposed of, with liberty reserved for the petitioner to seek revival of the prayer for a stay of proceedings, in the event, the appeal against the rejection of the plaint is allowed and the suit is restored.

5. With the aforesaid directions, the writ petition is disposed of.

(S. G. CHAPALGAONKAR, J.)

Omkar Joshi