



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**905 WRIT PETITION NO.8131 OF 2025**

**Sharad Gangadhar Patil  
VERSUS  
Swarupa Vijay Kabra**

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Advocate for Petitioner : Mr. Patil Vinod Prakash

Advocate for Respondent : Mr. Pramod Gaikwad h/f A.G.Talhar

**CORAM : S. G. CHAPALGAONKAR, J.**

**Dated : February 17, 2026**

**PER COURT :-**

1. Present writ petition takes exception to the order dated 5.4.2025 passed by the learned Civil Judge J.D. Dharangaon, Tq. Dharangaon, District Jalgaon below Exhibit-125 in R.C.S. No.15 of 2014 by which petitioner's application seeking stay to the proceeding in the suit has been rejected.

2. The petitioner is defendant in R.C.S. No.15 of 2014. Suit is instituted by respondent/plaintiff seeking specific performance of contract based on agreement to sale dated 5.12.2011. While said suit is pending petitioner/defendant initiated proceeding before the District Deputy Registrar, Jalgaon under the provisions of Maharashtra Money Lending Act. Petitioner filed an application below Exhibit-125 seeking

stay to the proceeding in suit as proceeding before District Deputy Registrar in respect of same subject matter is going on. Trial Court refused to entertain the application on the ground that suit is filed in the year 2014 and reached at advanced stage and petitioner/defendant has every opportunity to defend the suit and there is no necessity to stay the proceeding in the suit.

3. Mr. Patil, learned advocate appearing for petitioner submits that subject matter of the suit and proceeding pending before District Deputy Registrar in Money Lending Act is one and the same. Agreement to sale, which is subject matter of suit is also subject matter of proceeding under Money Lending Act. He would further urge that Trial Court ought to have entertained the application and stayed proceeding in the suit pending decision of the District Deputy Registrar.

4. Learned advocate appearing for respondent/caveator submits that petitioner is guilty of suppression of material facts. He would point out that proceeding before District Deputy Registrar, Jalgaon has been stayed by Division Bench of this Court in Writ Petition no.11228 of 2023 vide order dated 11.9.2023 and aforesaid fact was suppressed by petitioner.

5. Having considered submissions advanced, it can be observed that section 10 of the Civil Procedure Code deals with powers to stay the suit. When the matter in issue is directly and substantially the same in a previously instituted suit between the same parties (or parties under whom they claim) and when such suit is pending in the same or any other court having jurisdiction to grant relief claimed. In present case, suit is instituted in the year 2014. Proceeding under Maharashtra Money Lending (Regulation Act, 2014) is initiated by petitioner in 2020. Therefore, suit is instituted before initiation of the proceeding in money lending Act.

6. In that view of the matter, provisions of section 10 would not come to aid of the petitioner. The application itself was misconceived and rightly rejected by the trial court. Hence, this Court do not find any reason to interfere in the writ jurisdiction of this Court under Article 227 of Constitution of India. Hence, writ petition stands **rejected**.

( S. G. CHAPALGAONKAR, J. )