



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

WRIT PETITION NO. 3348 OF 2026

BABURAO NAMDEO CHAVAN AND OTHERS

VERSUS

**SURYABHAIN NYAHAJI DEOGUDE THR. LRS BHANUDAS
SURYABHAN DEOGUDE AND OTHERS**

...

Mr. Babasaheb A. Dhengle, Advocate for the Petitioners.

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 30th MARCH, 2026.

P.C.:-

1. The present Writ Petition takes exception to order dated 12.12.2025 passed below Exhibit-183/D by Civil Judge Junior Division, Georai in Regular Civil Suit No.186/2012, whereby petitioners application for stay of proceeding in suit till final decision of enquiry pending before TILR, Georai is rejected.

2. Mr. Dhengle, learned Advocate appearing for petitioners submits that suit property which is subject matter is land Gut No.133. During implementation of Consolidation Scheme, some mistakes/inadvertent errors have been caused. The petitioners have filed application to Competent Authority for correction of the same in year 2009 and proceeding in this regard is pending before Consolidation Officer. He submits that pending decision of enquiry, prayer was made before Trial Court to stay proceeding in suit.

3. Perusal of record indicates that petitioners have filed suit seeking declaration of ownership and perpetual injunction as well as declaration that sale deed no.1428/2012 is invalid and not binding on rights of plaintiffs. Apparently, issues involved in suit are regarding title of plaintiffs and validity of sale deed, which is subjected to challenge. It is possible that petitioners have made application to Consolidation Officer for correction of record. It is an independent proceeding and petitioners are at liberty to establish their case before Consolidation Officer. The issue of title cannot be dealt with by Consolidation Officer, which is prerogative of Civil Court. Therefore, merely because some proceeding is pending for correction of consolidation record before Competent Authority under Consolidation Act, proceeding in suit cannot be stayed.

4. The Trial Court has rightly observed that this Court has already directed expeditious disposal of suit as per order dated 20.02.2024 passed in Writ Petition No.6224/2022 and proceeding cannot be stayed merely on ground that some enquiry as to correctness of consolidation proceeding is going on.

5. Needless to state that Civil Court has to decide issues in the suit on the basis of pleadings and evidence adduced by parties. There is no provision under law, which enable stay of suit citing pendency of proceeding before Revenue/Consolidation Authority, unless such issue is framed and referred by Civil Court in pending

suit. In light of aforesaid legal and factual aspect, this Court do not find any reason to interfere in impugned order in exercise of Writ jurisdiction.

6. In result, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/March-2026