

MHGA050006572018



IN THE COURT OF CIVIL JUDGE (JR.DN.), DESAIGANJ,
DIST. GADCHIROLI
(Presided Over by Ajit B. Madke)

R. C. S. No. 22/2018

Jagdish Narayan Kuthe +3

Aged about 43 years, Occu.-Cultivation,

R/o, Chop,

Tah. Desaiganj, Distt. Gadchiroli.

... **Plaintiffs**

.Vs.

Nanaji Govinda Mundle+4

Aged about 45 years, Occu.-Cultivation,

R/o, Chop,

Tah. Desaiganj, Distt. Gadchiroli.

... **Defendants**

Order below Exh.35

(Pass on 26th October, 2023)

1] This is an application at the instance of plaintiff for consolidation of the present suit i.e. RCS No.22/2018 along with RCS No.21/2018. It is submitted that agricultural property Survey No.440 admeasuring 83 R is the subject matter of both suit. The parties to both the suit are same and therefore both the suit be tried together. The defendant vide his say at Exh.36 has opposed the application. On perusal of the record in RCS No.21/2018 and record in RCS No.22/2018 it reveals that parties in both the suit are similar but their status in different namely plaintiff and defendant. Subject matter of the suit is also similar.

..2..

2] As per Section 10 of the Code of Civil Procedure no Court shall proceed with the trial of any suit in which the matter in issue is also directly and substantially, in issue in a previously instituted suit between the same parties where such suit is pending in the same or any other Court. Both the suit are filed for perpetual injunction. Hence, in view of Section 10 of the Code of Civil Procedure the trial in the present suit needs to be stayed till the decision in RCS No.21/2018. Hence, I pass following order.

Order

Trial in RCS No.22/2018 is stayed vide Section 10 of Code of Civil Procedure till the decision in RCS No.21/2018.

Dt.26.10.2023

(Ajit B. Madke)
Civil Judge (Jr. Dn)
Desaiganj.