

MHKO090005242015

**ORDER BELOW EXH. 25 IN REG. CIVIL SUIT NO. 127/2015**

1. Perused the application and say filed by the plaintiff. The suit is filed for partition of the suit properties. The defendant by way of this application submits that subject matter in R.C.S. 110/2015 and this suit is the same. R.C.S. 110/2015 is filed for perpetual injunction, claiming that already partition is effected between the parties, with respect to the suit properties. Alleging this partition, the injunction is sought by the defendants against the plaintiff. Thus, it is prayed that as R.C.S. 110/2015 is instituted prior to the suit in hand, the present suit is liable to be stayed as per Section 10 of the Code of Civil Procedure.
2. Perused the application and say. Heard both the sides. R.C.S. 110/2015 is also pending before the file of this Court. The same is listed on today's board. I carefully went through the pleadings in R.C.S. 110/2015 and I agree that subject matter of both these suits is the same. Decree passed in R.C.S. 110/2015 does have bearing on this suit. Hence, I find substance in submission of Ld. Adv. Shri. Powar that subject matter of the suit is identical.

3. However, instead of staying the present suit, both suits can be tried together. R.C.S. 110/2015 and the present suit are now ready for effective hearing. Therefore, instead of staying the present suit, joint hearing can be taken. Hence, I pass the following order -

ORDER

R.C.S. 110/2015 and the present suit shall be heard together.

Sd/-

Date : 28.10.2021

(G. V. Deshpande)
Civil Judge Senior Division,
Gadhinglaj