

RCS No. 01/2008Sopan Vs. KusumOrder below Exh. 1Date : 16th April, 2014

This is a suit for declaration, possession and permanent injunction. The further proceedings of the suit were stayed till disposal of Regular Civil Suit No. 05/1991 by order dated 29/08/1996. Thereafter, by an order dated 03/05/2000, my Lrd. Predecessor was pleased to stay the further proceedings of suit till the decision of Regular Civil Appeal No. 164/2000.

2. On 28/02/2014, the Lrd. Advocate for plaintiff Shri S.K. Likhite was present. He submitted that the effect and operation of judgment and decree passed on 07/06/2004 in Regular Civil Appeal No. 164/2000 is stayed by Hon'ble High Court of Judicature at Bombay, Bench at Nagpur in Second Appeal No. 102/2005.

3. The plaintiff has filed certified copy of order dated 28/04/2005, passed in Second Appeal No. 102/2005. The effect and operation of judgment and decree passed in Regular Civil Appeal No. 164/2000, dated 07/06/2004 is stayed by Hon'ble

Contd...

High Court of Judicature at Bombay, Bench at Nagpur.

4. Already, it is held by my Lrd. Predecessors that the matter in issue in the present suit was matter in issue in Regular Civil Suit No. 05/1991. To avoid the conflicting decisions, the suit is stayed till the decision of suit and thereafter, till decision of Regular Civil Appeal No. 164/2000. The Second Appeal before Hon'ble High Court of Judicature at Bombay, Bench at Nagpur, is continuation of original suit i.e. Regular Civil Suit No. 05/1991. It is just and proper to stay the further proceedings of the suit till final decision of Second Appeal No. 102/2005.

5. The Lrd. Advocate for plaintiff Shri S.K. Likhite has also no objection to stay the further proceedings of the suit to avoid any conflicting decisions. It is just and proper to stay the further proceedings of the suit till the decision of Second Appeal No. 102/2005. In the result, I pass following order.

Order

I] The further proceedings of suit is stayed u/sec. 10 of Code of Civil Procedure, 1908, till final order in Second Appeal No. 102/2005, before Hon'ble High Court of Judicature at

Contd...

Bombay, Bench At Nagpur.

II] After passing of final order in said appeal, the parties to intimate about it.

Bhiwapur.

Date : 16th April, 2014.

Sd/-
(K.M. Jaisingani)
Civil Judge Junior Division,
Bhiwapur.

Contd...