

ORDER BELOW EXH.34 IN SPECIAL CIVIL SUIT NO. 256/2009

This is application for staying proceedings of this suit due to pendency of criminal proceedings bearing R.C.C. No. 566/2010 arising out of crime relating to the offence punishable under Section 420 of the Indian penal Code regarding the same subject matter. The matter is old and the plaintiff is 75 years old.

02 There may be civil and criminal proceedings regarding the same subject matter and both the court have independent jurisdiction to deal with the subject matter on the appropriate side. No finding of either court is binding on the other court. There is no rule of law which mandates that pendency of the subject matter in criminal court would require the civil court to stay the proceedings. Hence, application is unwarranted and hence the same is rejected.

Panvel
Date-20/08/2018

(D.R.Deshpande)
Civil Judge, Sr.Division, Panvel.