



**ORDER BELOW EXHIBIT 27**  
(Passed on this 17<sup>th</sup> day of October, 2025)

---

1. The present application is filed by the plaintiff praying that the proceedings in the present suit be stayed under section 10 of the Code of Civil Procedure, 1908.

2. It is submitted by the plaintiff that the subject matter of the present suit is agricultural land admeasuring 9 Are situated at Survey No. 10/30, Bhilar, Tal. Mahabaleshwar, Dist. Satara. The plaintiff contends that he has purchased the said land from defendant no.1 namely, Vishal Vinayak Bhilare by a registered sale deed dated 18-07-2013 for a consideration of Rs. 7,20,000/-. The relief claimed in the present suit is that of perpetual injunction restraining the defendants from disturbing his possession over the suit property. The plaintiff further submits that in R.C.S. No. 401/2010 pending before this very court, one of the suit properties is the same land bearing Survey No. 10/30 admeasuring 9 Are, Bhilar, Tal. Mahabaleshwar, Dist. Satara. The said suit is filed by Kusum Pandurang Dudhane against Vishal Vinayak Bhilare and others for partition and separate possession of ancestral properties. In that suit, defendant no. 2 Vishal Vinayak Bhilare is one of the parties. Therefore, according to the plaintiff, until the right, title and share of Vishal Vinayak Bhilare in the said ancestral property is

decided in R.C.S. No. 401/2010 the present proceedings should be stayed as per section 10 of the Code of Civil Procedure.

3. The defendants have resisted the application contending that the parties and the cause of action in both suits are not identical. The present plaintiff namely, Dayal Arjundas D'souza is not a party to R.C.S. No. 401/2010. Hence, the requirement of section 10 of the Civil Procedure that the matter in issue in both the suits should be directly and substantially the same between the same parties or between parties under whom they or any of them claim is not fulfilled.

4. Following points arise for determination and my findings thereon and reasons thereof are as follows:

SR. NO.	POINTS	FINDINGS
1.	Whether the suit is liable to be stayed as per section 10 of the Code of Civil Procedure, 1908 ?	No
2.	What order ?	Application is rejected

### **REASONS**

5. Section 10 of the Code of Civil Procedure mandates that 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 or between parties claiming under them.

6. On perusal of the pleadings, it is evident that R.C.S. No. 401/2010 is a partition suit between family members claiming share in the ancestral properties, one of which is the suit land out of Survey No. 10/30, Bhilar, Tal. Mahabaleshwar. The question therein is whether the said land is ancestral and whether the plaintiff therein is entitled to any share.

7. In contrast, R.C.S. No. 6/2017 is filed by a third party purchaser Dayal Arjundas D'souza against Vishal Vinayak Bhilare and others for injunction based on possession and ownership derived from a registered sale deed. The cause of action is alleged obstruction to possession. The plaintiff herein was not a party to the previously instituted suit and does not claim through any of the parties to that suit in the sense contemplated under section 10 of the Code of Civil Procedure. Though the property in both suits may be the same, the matters in issue and parties are distinct. The decision in the partition suit may have an incidental bearing on the rights of the purchaser, but that by itself is insufficient to attract the bar under section 10 of the Code of Civil Procedure. Consequently, the following order is passed :

**ORDER**

The application is rejected.

Date: 17-10-2025

(Uday S. Ivare)  
Civil Judge, Junior Division,  
Mahabaleshwar, Satara

**Certificate**

The contents of the PDF file are same, word to word correct as per original order.

Court Name	:	Shri. U. S. Ivare Civil Judge Junior Division, Mahabaleshwar.
Order date	:	17-10-2025.
Order signed date	:	17-10-2025.
Name of Stenographer	:	Shri. S. S. Kadam, Stenographer L.G. - 3
Order uploaded date	:	18-10-2025.