

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

CIVIL REVISION PETITION No.5668 of 2015

ORDER: *(Per Hon'ble Sri Justice R. Subhash Reddy)*

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the defendant in the suit in O.S.No.551 of 2009 on the file of the XIII Additional Chief Judge (FTC), City Civil Court at Hyderabad, aggrieved by the order dated 03.10.2015 passed in I.A.No.434 of 2015 in the said suit.

The petitioner/defendant has filed the aforesaid I.A.No.434 of 2015 seeking stay of further proceedings in the suit on the ground that the decision on granting of patent to his product is awaited from the patent authority. By the impugned order, the Court below has dismissed the I.A with an observation that it is not competent to grant stay and the petitioner can approach the patent authority or any other higher authorities. Hence, this revision is filed.

In this revision, it is contended by learned counsel for the petitioner that the present I.A is filed under Section 151 CPC and that Section 10 of the Code of Civil Procedure specifies the grounds to be considered for grant of stay in the suit, but in spite of the same, the application is rejected without assigning any reasons.

It is true that the issue with regard to stay of suit falls within the scope of Section 10 of the Code of Civil

Procedure and the same Court before which the suit is pending, is competent to grant stay in such suit. Therefore, it cannot be said that the petitioner can approach the patent authority or any other higher authorities seeking stay of the proceedings pending in a civil suit, as observed in the impugned order. Further this Court is of the view that for granting stay of further proceedings in the suit, Section 10 of the Code of Civil Procedure cannot be made applicable in this case, as much as no other proceeding with regard to the issue that arise for consideration in the present suit is pending between the same parties before any other Court. In that view of the matter, there is no valid reason to entertain this revision under Article 227 of the Constitution of India.

Accordingly, this Civil Revision Petition is dismissed.
No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE R.SUBHASH

REDDY

23-12-2015

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