

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.134 of 2016**

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Sri Yaduvansh Singh

.... .... Appellant/s

Versus

Sri Uma Shankar Singh

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Rajeev Sah

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR  
SAHOO**

ORAL ORDER

2      04-08-2016                      Heard learned counsel, Mr. Waliur Rahman,  
  
appearing for the petitioner.

2.                      Perused the order dated 24.02.2016 passed by the  
  
learned Munsif, 2nd Bhagalpur in T.S. No. 37 of 2013.

3.                      It appears that the plaintiff-respondent has filed this  
  
eviction suit against the petitioner under the B.B.C. Act. The  
petitioner filed the application under Section 10 of the C.P.C. for  
stay of this eviction suit till disposal of suit for specific  
performance filed by the petitioner being T.S. No. 391 of 2013.  
The court below by the impugned order rejected this application  
under Section 10 of the C.P.C.

4.                      It may be mentioned here that the issue, involved in  
  
the eviction suit, is regarding relationship of landlord and tenant  
between the parties, as to whether the plaintiff has been able to  
show any grounds on which the plaintiff has filed the suit for

eviction exist or not. So far the issue involved in the suit for specific performance of contract is concerned, these issues, which are involved in the eviction suit, are not at all involved neither directly nor indirectly.

5. In my opinion, therefore, the court below has rightly rejected the application. Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this civil miscellaneous application is dismissed.

**(Mungeshwar Sahoo, J)**

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