

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1075 of 2016**

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1. Manju Devi aged about 49years Wife of Late Ram Dayal Sahu, Resident of Mohalla- Kotwali Chowk, P.S. Laheriasarai Naka No. 5 District- Darbhanga.

.... Appellant/s

Versus

1. Sri Ganga Prasad Sah Son of Jitan Sah, Resident of Mohalla- Kotwali Chowk, P.S. Laheriasarai Naka no. 5 District- Darbhanga.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amarnath Jha

For the Respondent/s : Mr.

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

ORAL ORDER

2 11-11-2016

Heard learned counsel for the petitioner.

Perused the impugned order dated 10.08.2016 passed by learned Munsiff-1 Darbhanga in Eviction Suit No. 12 of 2008 whereby learned court below rejected the application for stay of the further proceeding during the pendency of miscellaneous case no. 02 of 2016.

From perusal of the impugned order, it appears that this Misc. case has been filed for setting aside the compromise decree passed in Title Suit No. 73 of 2003 whereas the present Eviction Suit No. 12 of 2008 has been filed by the plaintiff/respondent under the Bihar Building (Lease, Rent & Eviction) Control Act for the eviction of the defendant-petitioner.

The court below considering this fact held that the matter in Misc. case is entirely different and for the pendency of the Misc. case the further proceeding of eviction suit cannot be stayed. Except Section 10 there is no provision for staying the further proceeding of a suit and in the present case the ingredients of Section 10 are not applicable.

Thus, I find no reason to interfere with the impugned order. Accordingly, this civil Misc. application is dismissed.

siddharth/-

(Mungeshwar Sahoo, J)

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