

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7400 of 2016

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Archana Singh

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey

For the Respondent/s : Mr. Sc21- Kumar Manish

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 29-07-2016

Heard learned counsel Mr. Sunil Kumar Pandey for the petitioner, learned A.C. to S.C. 5 on behalf of the State authorities and learned counsel Mr. Shankar Kishore Shahi for the private respondent.

Perused the impugned order dated 03.02.2016 passed by learned Subordinate Judge-V, Muzaffarpur in Title Suit No.251 of 2007 whereby the court below rejected the application filed by the petitioner under Order 1 Rule 10 CPC for deleting the name of defendant no.4 on the ground that in fact defendant no.4 filed application for being added as party under Order 1 Rule 10 CPC in the year 2008 and he was added as party finding that he was a necessary party. Subsequently he also filed written statement. Thereafter this application has been filed.

In view of the above factual position as to whether he is necessary party or not had already been considered in the year

2008 and he was added as party. After nine years same question is being raised between the same parties in the same proceeding. The Hon'ble Supreme Court in **A.I.R. 2005 Supreme Court 446 (U.P. State Road Transport Corporation v. State of U.P. and another)** has held that res-judicata applies also as between two stages in the same litigation to the extent that a Court, whether the trial court or a High Court, having at an earlier stage decided a matter in one way will not allow the party to re-agitate the matter again at a subsequent stage of the same proceeding.

In view of the above settled proposition of law I find no reason to interfere with the impugned order. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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