

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10695 of 2015

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Gopal Chandra Lal Das

.... Petitioner

Versus

Santosh Kumar Jha & Ors

.... Respondents

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Appearance :

For the Petitioner : Mr. Amarnath Jha, Advocate.

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 27-04-2016

Learned court below by the impugned order dated 08.04.2015, rejected the application filed by the petitioner under Section 10 of Code of Civil Procedure, praying therein to stay the subsequent suit. While rejecting the application, the Court below recorded finding that the parties are substantially different, relief claimed is different and also the suit property in both the suits are also different.

The learned counsel for the petitioner submitted that the Court below has not properly appreciated the fact and in fact, the parties are same, the properties are same and the relief is also same. The plaintiff of subsequent suit has also been added as party in the previous suit. Therefore, the order passed by the Court below is defective which is apparent on the face of the record.

So far the submission of the learned counsel for the petitioner is concerned, it may be mentioned here that this Court in

exercise of supervisory jurisdiction cannot appreciate the material facts and then for the purpose of supervising the order cannot substitute its own finding. If, in fact, there is error which is apparent on the face of the record, the petitioner may approach the Court below for appropriate but for that purpose this Court cannot interfere with the impugned order.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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